**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

NICOLAS MANRIQUEZ,	)	
ID # 48231-177,	)	
Movant,	)	**No. 3:16-CV-2330-D**
vs.	)	**No. 3:14-CR-210-D (6)**
	)	
UNITED STATES OF AMERICA,	)	
Respondent.	)	

ORDER

After making an independent review of the pleadings, files, and records in this case, and the findings, conclusions, and recommendation of the magistrate judge, the court concludes that the findings and conclusions are correct. It is therefore ordered that the August 16, 2016 findings, conclusions, and recommendation of the magistrate judge, and the September 16, 2016 supplemental findings, conclusions, and recommendation of the magistrate judge, are adopted, and the motion to vacate, set aside or correct sentence filed under 28 U.S.C. § 2255, and the amended motion to vacate, set aside or correct sentence are denied with prejudice as barred by the statute of limitations

Movant's September 8, 2016 and November 15, 2016 motions to stay are denied.

Considering the record in this case and pursuant to Fed. R. App. P. 22(b), Rule 11(a) of the Rules Governing §§ 2254 and 2255 proceedings, and 28 U.S.C. § 2253(c), the court denies a certificate of appealability. The court adopts and incorporates by reference the magistrate judge's findings, conclusions, and recommendation filed in this case in support of its finding that the petitioner has failed to show (1) that reasonable jurists would find this court's "assessment of the constitutional claims debatable or wrong," or (2) that reasonable jurists would find "it debatable whether the petition states a valid claim of the denial of a constitutional right" and "debatable whether [this court] was correct in its procedural ruling." *Slack v. McDaniel,* 529 U.S. 473, 484

(2000).

If petitioner files a notice of appeal,

( )   petitioner may proceed *in forma pauperis* on appeal.

(**X**)   petitioner must pay the $505.00 appellate filing fee or submit a motion to proceed *in*

        forma pauperis.

SO ORDERED.

November 21, 2016.

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SIDNEY A. FITZWATER
UNITED STATES DISTRICT JUDGE