

1 HONORABLE RONALD B. LEIGHTON

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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT TACOMA

9 JESUS RAMIREZ-LUCIO,

10 Petitioner,

11 v.

12 UNITED STATES OF AMERICA,

13 Respondent.

CASE NO. C13-5118 RBL

ORDER DENYING MOTION FOR
CERTIFICATE OF APPEAL

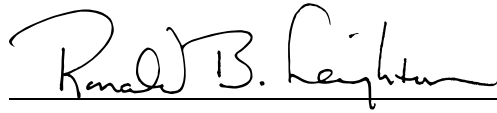
14 THIS MATTER is before the Court on Petitioner Ramirez-Lucio's Motion for a
15 Certificate of Appealability [Dkt. #21] regarding this Court's denial of his §2255 petition [Dkt.
16 #19].

17 The district court should grant an application for a Certificate of Appealability only if the
18 petitioner makes a "substantial showing of the denial of a constitutional right." 28 U.S.C. §
19 2253(c)(3). To obtain a Certificate of Appealability under 28 U.S.C. § 2253(c), a habeas
20 petitioner must make a showing that reasonable jurists could debate whether, or agree that, the
21 petition should have been resolved in a different manner or that the issues presented were
22 adequate to deserve encouragement to proceed further. *Slack v. McDaniel*, 120 S.Ct. 1595,
23 1603-04 (2000) (quoting *Barefoot v. Estelle*, 463 U.S. 880, 893 n.4 (1983)).

1 Petitioner’s primary claim is that his counsel was ineffective. For the reasons articulated
2 in this Court’s prior Order, those claims are not viable. Petitioner has not made a “substantial
3 showing of the denial of a constitutional right.” His Motion for a Certificate of Appealability is
4 therefore DENIED.

5 IT IS SO ORDERED.

6 Dated this 10th day of June, 2014.

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9 RONALD B. LEIGHTON
10 UNITED STATES DISTRICT JUDGE