

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

RICO RODRIQUEZ ALLEN,

Petitioner,

v.

CIVIL ACTION NO. 3:19-cv-0546

CRIMINAL ACTION NO. 3:18-cr-00033

UNITED STATES OF AMERICA,

Respondent.

MEMORANDUM OPINION AND ORDER

This matter is on remand from the Fourth Circuit Court of Appeals. *See* ECF No. 89. Movant Rico Rodriguez Allen seeks to appeal this Court's Memorandum Opinion and Order denying relief on his Motion to Vacate, Set Aside, or Correct Sentence filed under 28 U.S.C. § 2255 and adopting the Magistrate Judge's Proposed Findings and Recommendations. ECF No. 79. The Court has reviewed the record and concludes that Movant has not made a substantial showing of the denial of a constitutional right and has not presented issues adequate to deserve encouragement to proceed. *See Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (quoting *Barefoot v. Estelle*, 463 U.S. 880, 893 n.3 (1983)). The Court accordingly **DENIES** Movant a certificate of appealability.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel and the defendant, the United States Attorney's Office, the United States Probation Office, and the United States Marshals Service.

ENTER: November 2, 2020

A handwritten signature in black ink, appearing to read 'R. Chambers', written over a horizontal line.

ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE