

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANTONIO MOORE,

Defendant.

CIVIL ACTION

No. 05-3384-CM

No. 03-20003-CM

ORDER

On September 6, 2006, this court denied in part petitioner's *pro se* motion to vacate, set aside, or correct his sentence (Doc. 402). On November 1, 2006, the court held a hearing on the remainder of petitioner's motion and denied that portion of the motion, as well. Petitioner has now filed a request for a certificate of appealability and notice of appeal (Docs. 446 and 447). The court will issue a certificate of appealability "only if the applicant has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). Under this standard, a petitioner must show that "reasonable jurists could debate whether . . . the petition should have been resolved in a different manner or that the issues presented were adequate to deserve encouragement to proceed further." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (internal quotation marks and citation omitted).

In his motion, petitioner rehashes arguments that this court has previously considered. For the reasons stated in the court's Memorandum and Order filed September 6, 2006 and on the record at the November 1, 2006 hearing, the court finds that petitioner has not made a substantial showing of the denial of a constitutional right.

IT IS THEREFORE ORDERED that petitioner's request for a certificate of appealability (Doc. 446) is denied.

Dated this 9th day of January, 2007, at Kansas City, Kansas.

s/ Carlos Murguia
CARLOS MURGUIA
United States District Judge