

UNITED STATES OF AMERICA,

Plaintiff,

v.

ALBERTO PEREZ-JACOME,

Defendant.

Alberto Perez-Jacome was convicted following a jury trial of conspiracy to possess with intent to distribute methamphetamine, cocaine, and marijuana; possession with intent to distribute 50 grams or more of methamphetamine; possession with intent to distribute 500 grams or more of cocaine; and possession with intent to distribute marijuana. He received a 132-month sentence. Mr. Perez-Jacome filed a motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255 (doc. 683). This court denied that motion on August 11, 2011 (doc. 689).

Effective December 1, 2009, Rule 11 of the Rules Governing Section 2255 Proceedings states that the court must issue or deny a certificate of appealability when it enters a final order adverse to the applicant. “A certificate of appealability may issue . . . only if the applicant has made a substantial showing of the denial of a constitutional right.”

28 U.S.C. § 2253(c)(2).¹ To satisfy this standard, the movant must demonstrate that “reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong.” *Saiz v. Ortiz*, 393 F.3d 1166, 1171 n.3 (10th Cir. 2004) (quoting *Tennard v. Dretke*, 542 U.S. 274, 282 (2004)). For the reasons stated in this court’s denial of his § 2255 motion (doc. 689), Mr. Perez-Jacome has not made a substantial showing of the denial of a constitutional right. The court therefore denies a certificate of appealability.

IT IS THEREFORE ORDERED BY THE COURT that Defendant’s Motion to Vacate Sentence Pursuant to 28 U.S.C. § 2255 (doc. 683) is denied a certificate of appealability.

IT IS SO ORDERED this 24th day of August, 2011.

s/ John W. Lungstrum

John W. Lungstrum

United States District Judge

¹ The denial of a § 2255 motion is not appealable unless a circuit justice or a circuit or district judge issues a certificate of appealability. *See* Fed. R. App. P. 22(b)(1); 28 U.S.C. § 2253(c)(1).