

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 06-20175-01-JWL
)	09-2108-JWL
GUILLERMO PENA-BAEZ,)	
)	
Defendant.)	
)	

MEMORANDUM AND ORDER

Defendant Guillermo Pena-Baez has filed a motion for a certificate of appealability (doc. 49). A district court may 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). The Tenth Circuit has interpreted this standard to require a petitioner to demonstrate that “reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong.” *Saiz v. Ortiz*, 392 F.3d 1166, 1171 n.3 (10th Cir. 2004) (quoting *Tennard v. Dretke*, 542 U.S. 274, 282 (2004)).

In his application, Mr. Pena-Baez does not address the court’s reasons for denying him relief; nor does he explain why reasonable jurists would disagree with this court’s prior rulings.

Accordingly, Mr. Pena-Baez has failed to meet the standard for the issuance of

a certificate of appealability.

IT IS THEREFORE ORDERED BY THE COURT that defendant's motion for a certificate of appealability (doc. 49) is denied.

IT IS SO ORDERED this 9th day of September, 2009.

s/ John W. Lungstrum
John W. Lungstrum
United States District Judge