

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	CRIMINAL ACTION
)	
v.)	No. 07-10223-01
)	
TODD R. GEHRINGER,)	
)	
Defendant.)	
_____)	

MEMORANDUM AND ORDER

Before the court is defendant's Notice of Appeal from this court's memorandum and order of February 17, 2012 (Doc. 79) denying defendant's motion pursuant to 28 U.S.C. § 2255. Defendant states: "Movant raised 26 different issues and wishes to expand the record on any and all issues raised and reserves the right to on appeal to do so." He seeks a certificate of appealability.

A certificate of appealability is a jurisdictional prerequisite to review the merits of § 2255 appeal. A certificate will issue only if the defendant has made a substantial showing of the denial of a constitutional right which requires the defendant to demonstrate that reasonable jurists could differ whether the motion should have been resolved in a different manner or that the issues were adequate to deserve encouragement to proceed further. When the district court denies a motion on the merits, the defendant must demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong. (Statutory and case citation omitted).

Defendant has not made the requisite showing and accordingly, his request for a certificate of appealability is denied.

A copy of this order shall be forwarded to the Tenth Circuit.

Dated this 12th day of April 2012, at Wichita, Kansas.

s/ Monti Belot

Monti L. Belot

UNITED STATES DISTRICT JUDGE