

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 ROGELIO AMADA LAMAS,)
)
 Defendant.)
 _____)

**Case No. 12-20119-02 (Criminal)
16-2139 (Civil)**

MEMORANDUM AND ORDER

In its Memorandum and Order dated May 17, 2017 (Doc. 228), the court denied defendant Rogelio Amada Lamas’s claims of ineffective assistance of counsel against sentencing counsel, but granted a hearing on defendant’s claim that trial counsel failed to explain the plea agreement deadlines—Ground III. The court held an evidentiary hearing on August 2, 2017, and found that defendant was entitled to relief on Ground III. Defendant’s sentence was reduced from 204 to 183 months imprisonment.

Defendant is no longer suffering from a violation of his constitutional rights. *See* 28 U.S.C. § 2253(c)(2) (a court may issue a COA “only if the applicant has made a substantial showing of the denial of a constitutional right”). Defendant has not shown that reasonable jurists could debate whether his 28 U.S.C. § 2255 motion should be resolved in a different manner or that his other two claims of ineffective assistance of counsel were adequate to deserve encouragement to proceed further. 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). Therefore, the court declines to issue a certificate of appealability.

IT IS THEREFORE ORDERED that the court will not issue a certificate of appealability in this case.

IT IS SO ORDERED.

Dated this 22nd day of March, 2018, at Kansas City, Kansas.

/s/ Carlos Murguia
HON. CARLOS MURGUIA
United States District Judge