

**In the United States District Court  
for the District of Kansas**

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**United States of America,  
Plaintiff-Respondent,**

v.

**Case No. 14-20097-1-JAR**

**Jessica Guadalajara,  
Defendant-Petitioner.**

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**ORDER DISMISSING DEFENDANT JESSICA GUADALAJARA’S MOTION TO  
VACATE UNDER 28 U.S.C. § 2255**

On January 19, 2021, this Court ordered petitioner Jessica Guadalajara to show cause in writing on or before March 2, 2021, why her motion for relief pursuant to 28 U.S.C. § 2255 should not be dismissed for lack of a sufficient factual basis or evidence on which to proceed with her claim (Doc. 123).<sup>1</sup> Guadalajara did not file a response and the time to do so has expired. Accordingly, for the reasons set forth in detail in its Notice and Order to Show Cause, the Court summarily dismisses Guadalajara’s § 2255 motion for lack of any factual basis that would warrant relief from her conviction or sentence.

Rule 11 of the Rules Governing Section 2255 Proceedings states that the Court must issue or deny a certificate of appealability [“COA”] 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.”<sup>2</sup> A petitioner satisfies this burden if

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<sup>1</sup> After the Order to Show Cause was returned, it was mailed to Petitioner at her updated BOP address on February 9, 2021. Doc. 124.

<sup>2</sup> 28 U.S.C. § 2253(c)(2).

“reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong.”<sup>3</sup> For the reasons explained above, Guadalajara has not made a substantial showing of a denial of a constitutional right and the Court therefore denies a COA.

**IT IS THEREFORE ORDERED BY THE COURT** that petitioner Jessica Guadalajara’s Motion to Vacate Under 28 U.S.C. § 2255 (Doc. 106) is **dismissed**. Petitioner’s Motion for Rule 41(g) Return of Evidence and Property (Doc. 116) and Motion to Grant Motion to Vacate Due to Government’s Failure to Respond (Doc. 121), and Respondent’s Motion to Respond to Defendant’s § 2255 Motion Out-of-Time (Doc. 122) are **denied as moot**. Petitioner is also denied a COA.

**IT IS SO ORDERED.**

Dated: March 22, 2021

S/ Julie A. Robinson  
JULIE A. ROBINSON  
CHIEF UNITED STATES DISTRICT JUDGE

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<sup>3</sup> *Saiz v. Ortiz*, 392 F.3d 1166, 1171 n.3 (10th Cir. 2004) (quoting *Tennard v. Dretke*, 524 U.S. 274, 282 (2004)).