

APPENDIX

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

FEB 22 2018

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

JOSE GUADALUPE CEBREROS,

Defendant-Appellant.

No. 17-56843

D.C. Nos. 3:17-cv-02310-JM
3:01-cr-02788-JM-1

Southern District of California,
San Diego

ORDER

Before: TROTT and FISHER, Circuit Judges.

The request for a certificate of appealability is denied because appellant has not shown that “jurists of reason would find it debatable whether the [section 2255 motion] states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); *see also* 28 U.S.C. § 2253(c)(2); *Gonzalez v. Thaler*, 565 U.S. 134, 140-41 (2012).

Any pending motions are denied as moot.

In order for a district court to consider a second or successive 28 U.S.C. § 2255 motion, this court must first authorize the district court to consider that motion. *See* 28 U.S.C. §§ 2244(b)(3), 2255(h). The Clerk shall serve this order and a copy of the standard form application for leave to file a second or successive

motion on appellant.

DENIED.

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ORDER

Before: CLIFTON and CHRISTEN, Circuit Judges.

The motion for reconsideration (Docket Entry No. 4) is denied. *See* 9th Cir.

R. 27-10.

No further filings will be entertained in this closed case.