No. 18-3422

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT
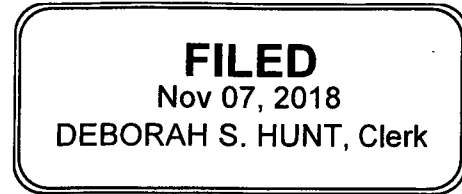
AARON MURRAY,   )

    Petitioner-Appellant,   )

v.   )

UNITED STATES OF AMERICA,   )

    Respondent-Appellee.   )

FILED
Nov 07, 2018
DEBORAH S. HUNT, Clerk

<u>O R D E R</u>

Before: CLAY, GILMAN, and WHITE, Circuit Judges.

Aaron Murray, a pro se federal prisoner, moves for reconsideration of this Court's order of August 24, 2018, denying his motion for a certificate of appealability. Murray's motion for a certificate of appealability arose from the district court's order denying his motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255.

In his motion for reconsideration, Murray argues that his Sixth Amendment right to counsel arose when state and federal law enforcement officials initiated adversarial proceedings against him by investigating certain robberies of which he was ultimately convicted, and by interrogating him. However, "the Sixth Amendment right to counsel attaches only 'at or after the initiation of judicial criminal proceedings—whether by way of formal charge, preliminary hearing, indictment, information, or arraignment.'" *Turner v. United States*, 885 F.3d 949, 951 (6th Cir. 2018) (en banc) (quoting *United States v. Moody*, 206 F.3d 609, 614 (6th Cir. 2000)). Murray also raises new arguments in his motion for reconsideration—that law enforcement officials interrogated him without advising him of his constitutional rights as required by *Miranda v. Arizona*, 384 U.S. 436 (1966), and delayed his appearance before a federal judge to obtain a confession from him. We "typically do not consider arguments raised for the first time

in a petition for rehearing," and decline to do so here. *United States v. Shafer*, 573 F.3d 267, 275 (6th Cir. 2009).

Murray has not identified any point of law or fact that the court overlooked or misapprehended in denying his motion for a certificate of appealability. *See* Fed. R. App. P. 40(a)(2). Accordingly, we **DENY** Murray's motion for reconsideration.

ENTERED BY ORDER OF THE COURT

Deborah S. Hunt, Clerk