

United States Court of Appeals

FIFTH CIRCUIT
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LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130

June 19, 2019

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. 18-20208 USA v. Amon Mtaza
USDC No. 4:16-CV-2073

Enclosed is an order entered in this case.

Sincerely,

LYLE W. CAYCE, Clerk

Dawn Shulin

By: _____
Dawn M. Shulin, Deputy Clerk
504-310-7658

Ms. Carmen Castillo Mitchell
Mr. Amon Rweyemamu Mtaza

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 18-20208

UNITED STATES OF AMERICA,

Plaintiff - Appellee

v.

AMON RWEYEMAMU MTAZA,

Defendant - Appellant

Appeal from the United States District Court
for the Southern District of Texas

Before SMITH, HIGGINSON, and DUNCAN, Circuit Judges.

PER CURIAM:

A member of this panel previously denied appellant's motion for a certificate of appealability, motion for leave to file a supplemental brief to add claims relating to the subsequent denial of his motion for the return of property, together with his motions to correct the supplemental brief. The panel has considered appellant's motion for reconsideration. IT IS ORDERED that the motion is DENIED.

United States Court of Appeals

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April 04, 2019

Mr. David J. Bradley
Southern District of Texas, Houston
United States District Court
515 Rusk Street
Room 5300
Houston, TX 77002

No. 18-20208 USA v. Amon Mtaza
USDC No. 4:16-CV-2073

Dear Mr. Bradley,

Enclosed is a copy of the judgment issued as the mandate and a copy of the court's opinion.

Sincerely,

LYLE W. CAYCE, Clerk

Dawn Shulin

By: _____
Dawn M. Shulin, Deputy Clerk
504-310-7658

cc w/encl:

Ms. Carmen Castillo Mitchell
Mr. Amon Rweyemamu Mtaza

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 18-20208

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

AMON RWEYEMAMU MTAZA,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas

O R D E R:

Amon Rweyemamu Mtaza, federal prisoner # 44662-379, pleaded guilty to one count of conspiracy to commit wire fraud, one substantive count of wire fraud, and two counts of aggravated identity theft, and he received an aggregate sentence of 87 months in prison. He now seeks a certificate of appealability (COA) to appeal the district court's denial of his 28 U.S.C. § 2255 motion challenging these convictions. Mtaza raises numerous claims of ineffective assistance by the attorneys that represented him at his guilty plea, at sentencing, and on direct appeal. In addition, he contends that the attorney who represented him at his rearraignment was operating under a conflict of interest. Mtaza challenges the propriety of the forfeiture order against him. He asserts that the district court wrongly construed his motion to reconsider the order denying § 2255 relief as arising under Federal Rule of Civil Procedure

60(b). Finally, he contends that the district court erred by denying relief without holding an evidentiary hearing, given his assertions of innocence. To the extent that Mtaza has not briefed claims that he raised in the district court, those allegations are deemed abandoned. *See Hughes v. Johnson*, 191 F.3d 607, 613 (5th Cir. 1999).

To obtain a COA, a § 2255 movant must make “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). “A [movant] satisfies this standard by demonstrating that jurists of reason could disagree with the district court’s resolution of his constitutional claims or that jurists could conclude the issues presented are adequate to deserve encouragement to proceed further.” *Miller-El v. Cockrell*, 537 U.S. 322, 327 (2003). Because the district court rejected the claims on their merits, Mtaza “must demonstrate that reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong.” *Slack*, 529 U.S. at 484; *see also Miller-El*, 537 U.S. at 338. He has not made the requisite showing. Accordingly, his motion for a COA is DENIED. Mtaza’s motions for leave to file a supplemental brief to add claims relating to the subsequent denial of his motion for the return of property, together with his motions to correct the supplemental brief, are DENIED.



A True Copy
Certified order issued Apr 04, 2019

Styl W. Cayce
Clerk, U.S. Court of Appeals, Fifth Circuit

A handwritten signature in black ink, appearing to read "SK Duncan".

STUART KYLE DUNCAN
UNITED STATES CIRCUIT JUDGE