

United States Court of Appeals For the First Circuit

No. 19-2211

SAUL MANGUAL-CORCHADO,

Petitioner - Appellant,

v.

UNITED STATES,

Respondent - Appellee.

Before

Howard, Chief Judge,
Thompson and Kayatta, Circuit Judges.

JUDGMENT

Entered: April 22, 2020

Petitioner Saul Mangual-Corchoado seeks a certificate of appealability ("COA"), ostensibly in connection with the district court's summary denial of a series of motions filed in the district court in mid-2019. See 3:94-cr-00363-JAG-3 Dkt. 259-262 (motions); 263 (electronic order denying). The district court properly denied those motions because, at best, they were unauthorized second or successive 28 U.S.C. § 2255 motions and because petitioner invoked inapposite legal authority. Rather than address the district court's actual reasoning for denying the motions, petitioner uses his application for COA filed with this court to revisit arguments based on United States v. Davis, 139 S. Ct. 2319 (2019), and other recent Supreme Court precedent, arguments already rejected by this court in the course of denying petitioner's two recent applications for leave to file a second or successive 28 U.S.C. § 2255 motion. See Appeal 19-1904, Judgment entered 1/29/2020; Appeal 17-1473, Judgment entered 4/05/2019.

The district court properly denied the underlying motions as attempted unauthorized second or successive § 2255 motions, and, in any event, petitioner has waived any challenge to the merits of the district court's ruling(s) by failing with the current COA application to address the claims actually presented below and the district court's reasoning for rejecting same. See generally 28 U.S.C. § 2253 (c)(2)(petitioner seeking COA must discharge burden of "ma[k]ing] a substantial showing of the denial of a constitutional right"); see also Peralta v. United States, 597 F.3d 74, 84

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

SAUL MANGUAL-CORCHADO,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

CIVIL NO. 17-1856(JAG)

JUDGMENT

Pursuant to the First Circuit's denial of Petitioner's request for leave to file a second or successive motion under 28 U.S.C. § 2255, Docket No. 6, Judgment is hereby entered DISMISSING WITH PREJUDICE Petitioner's case. This case is closed for statistical purposes.

IT IS SO ORDERED.

In San Juan, Puerto Rico this Wednesday, April 10, 2019.

s/ Jay A. Garcia-Gregory
JAY A. GARCIA-GREGORY
U.S. DISTRICT JUDGE

United States District Court**District of Puerto Rico****Notice of Electronic Filing**

The following transaction was entered on 10/8/2019 at 3:39 PM AST and filed on 10/8/2019

Case Name: Mangual-Corachado v. USA

Case Number: 3:17-cv-01856-JAG

Filer:

WARNING: CASE CLOSED on 10/24/2017

Document Number: 9 (No document attached)

Docket Text:

ORDER denying [8] Motion requesting Order. Signed by Judge Jay A. Garcia-Gregory on 10/8/2019. (lir)

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