

Appendix A

United States Court of Appeals For the First Circuit

No. 21-1861

RAFAEL HUMBERTO CELAYA VALENZUELA,

Petitioner - Appellant,

v.

UNITED STATES,

Respondent - Appellee.

Before

Lynch, Howard and Kayatta,
Circuit Judges.

JUDGMENT

Entered: April 7, 2022

Pro se petitioner Rafael Humberto Celaya Valenzuela seeks a certificate of appealability ("COA") to challenge the denial of his motion under 28 U.S.C. § 2255. After careful review of relevant portions of the record and of petitioner's submissions, we conclude that the district court's resolution of petitioner's claims was neither debatable nor wrong and that petitioner therefore has failed to make "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2); see Slack v. McDaniel, 529 U.S. 473, 484 (2000) (COA standard); Miller-El v. Cockrell, 537 U.S. 322, 327 (2003) (same); see also Strickland v. Washington, 466 U.S. 668, 688, 694 (1984) (ineffective assistance of counsel standard and general principles).

Celaya's request for appointment of counsel in this court is denied. See Bucci v. United States, 662 F.3d 18, 34 (1st Cir. 2011) (standard and general principles); Ellis v. United States, 313 F.3d 636, 652 (1st Cir. 2002) (same).

The application for a COA is denied, and the appeal is terminated.

By the Court:

Maria R. Hamilton, Clerk

United States Court of Appeals For the First Circuit

No. 21-1861

RAFAEL HUMBERTO CELAYA VALENZUELA,

Petitioner - Appellant,

v.

UNITED STATES,

Respondent - Appellee.

Before

Barron, Chief Judge,
Lynch, Howard, Thompson,
Kayatta and Gelpí, Circuit Judges.

ORDER OF COURT

Entered: June 6, 2022

The petition for rehearing having been denied by the panel of judges who decided the case, and the petition for rehearing en banc having been submitted to the active judges of this court and a majority of the judges not having voted that the case be heard en banc, it is ordered that the petition for rehearing and petition for rehearing en banc be denied.

By the Court:

Maria R. Hamilton, Clerk

cc:

Rafael Humberto Celaya Valenzuela
Seth R. Aframe

Appendix B

Orders on Motions

1:18-cv-00885-JL Valenzuela v.
USA

ADMIN

U.S. District Court

District of New Hampshire

Notice of Electronic Filing

The following transaction was entered on 9/14/2021 at 12:20 PM EDT and filed on 9/10/2021

Case Name: Valenzuela v. USA

Case Number: 1:18-cv-00885-JL

Filer:

Document Number: No document attached

Docket Text:

ENDORSED ORDER denying [13] Motion for Judgment on the Pleadings. Text of Order: The motion is denied. Relief under Section 2255 is unavailable for the reasons set forth in the prosecutions responsive filings, upon which the court could not measurably improve with a written order. As the defendant movant has requested that the court resolve the case on the written filings (see Doc. 13), it is so ordered. The court finds that the petitioner has failed to make a substantial showing of the denial of a constitutional right, and declines to issue a certificate of appealability. See 28 U.S.C. § 2253(c)(2); Rule 11, Rules Governing Habeas Corpus Cases Under Section 2254; First Cir. LR 22.0. So Ordered by Judge Joseph N. Laplante. (ko)

1:18-cv-00885-JL Notice has been electronically mailed to:

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1:18-cv-00885-JL Notice, to the extent appropriate, must be delivered conventionally to:

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#12758-049
Herlong - FCI
Inmate Mail/Parcels
PO Box 800

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Clerk's Office.**