

APPENDIX

United States Court of Appeals for the Fifth Circuit

No. 22-20500

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

JOHN P. RAMIREZ, *Medical Doctor,*

Defendant—Appellant.

Application for Certificate of Appealability
The United States District Court
for the Southern District of Texas
USDC No. 4:21-CV-3288
USDC No. 4:16-CR-258-1

ORDER:

John Ramirez, federal prisoner #14886-479, was convicted of conspiracy to commit healthcare fraud and making false statements relating to healthcare matters. He moves for a certificate of appealability ("COA") to appeal the denial of his 28 U.S.C. § 2255 motion.

The following claims are raised for the first time in Ramirez's § 2255 motion: (i) His due process rights were violated because his conviction and sentence were based on a fundamental error of law; (ii) there was insufficient evidence to support his convictions; (iii) a structural error occurred when

ENTERED

August 22, 2022

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

United States of America,

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§
§

v.

C.R. ACTION NO. 4:16-258 (01)

John P. Ramirez, M.D.,

ORDER

Pending before the Court is the Motion for Reconsideration of Order on Motion to Vacate, Set Aside or Correct Sentence Pursuant to 28 U.S.C. § 2255 and Request for Certificate of Appealability (Document # 408). Having considered the motion and the applicable law, the Court determines that the foregoing motion should be denied. Accordingly, the Court hereby

ORDERS that the Motion for Reconsideration of Order on Motion to Vacate, Set Aside or Correct Sentence Pursuant to 28 U.S.C. § 2255 and Request for Certificate of Appealability (Document # 408) is DENIED.

SIGNED on the 22 day of August, 2022.



DAVID HITTNER
United States District Judge

United States Court of Appeals
for the Fifth Circuit

No. 22-20500

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

JOHN P. RAMIREZ, *Medical Doctor,*

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:21-CV-3288

ON MOTION FOR RECONSIDERATION
AND REHEARING EN BANC

UNPUBLISHED ORDER

Before KING, JONES, and SMITH, *Circuit Judges.*

PER CURIAM:

The motion for reconsideration is DENIED. Because no member of the panel or judge in regular active service requested that the court be polled on rehearing en banc (FED. R. APP. P. 35 and 5TH CIR. R. 35), the petition for rehearing en banc is DENIED.