

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 17-11253-G

JULIAN BREAL

Petitioner-Appellant,

versus

UNITED STATES OF AMERICA,

Respondent-Appellee.

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

ORDER:

Julian Breal moves for a certificate of appealability in order to appeal the denial of his motion to vacate, filed pursuant to 28 U.S.C. § 2255. His motion is DENIED because he has failed to make a substantial showing of the denial of a constitutional right. *See* 28 U.S.C. § 2253(c)(2). His motion to remand is also DENIED. His motion for leave to proceed *in forma pauperis* on appeal is DENIED AS MOOT.

/s/ Stanley Marcus
UNITED STATES CIRCUIT JUDGE

JAN 03 2018

David J. Smith
Clerk

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Before TJOFLAT and MARCUS, Circuit Judges.

BY THE COURT:

Julian Breal has filed a motion for reconsideration, pursuant to 11th Cir. R. 22-1(c) and 27-2, of this Court's September 28, 2017, order denying a certificate of appealability and his motion to remand, and denying as moot his motion for leave to proceed on appeal *in forma pauperis*, in his underlying motion to vacate, 28 U.S.C. § 2255. Upon review, Breal's motion for reconsideration is DENIED because he has offered no new evidence or arguments of merit to warrant relief.

17-11253

Julian Breal
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POLLOCK, LA 71467

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

ELBERT F. TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

David J. Smith
Clerk of Court

For rules and forms visit
www.ca11.uscourts.gov

January 03, 2018

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Appeal Number: 17-11253-G
Case Style: Julian Breal v. USA
District Court Docket No: 1:15-cv-23829-FAM
Secondary Case Number: 1:12-cr-20152-FAM-5

This Court requires all counsel to file documents electronically using the Electronic Case Files ("ECF") system, unless exempted for good cause.

The enclosed order has been ENTERED.

Sincerely,

DAVID J. SMITH, Clerk of Court

Reply to: Bryon Robinson, G
Phone #: (404) 335-6185

MOT-2 Notice of Court Action