

No. \_\_\_\_\_

IN THE  
SUPREME COURT OF THE UNITED STATES

JUSTIN A. WADSWORTH — PETITIONER  
(Your Name)

VS.

UNITED STATES OF AMERICA — RESPONDENT(S)

**PROOF OF SERVICE**

I, Justin A. Wadsworth, do swear or declare that on this date, April 14th, 2025, as required by Supreme Court Rule 29 I have served the enclosed MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS* and PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

• Clerk of the Supreme Court, 1 First Street, N.E. Washington, D.C.

20543

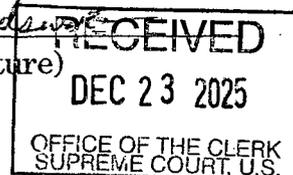
• Solicitor General of the United States

Room 5616, Department of Justice, 950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 14th, 2025

Justin Wadsworth  
(Signature)



No. 24-2632

Page 2

But neither the current certificate of appealability nor the proposed amendment points to a "substantial showing" of the denial of a constitutional right. 28 U.S.C. § 2253(c). We see no debatable argument that the district court clearly erred in crediting the testimony of trial counsel over Wadsworth. *See Gant v. United States*, 627 F.3d 677, 681–82 (7th Cir. 2010). And we see no debatable argument that, under our precedents, the testimony of trial counsel was insufficient to reject Wadsworth's claim. *See id.*; *United States v. Blake*, 814 F.3d 851, 854–55 (7th Cir. 2016). No authority cited by Wadsworth or known to us supports his new arguments: that the ordinary rules of credibility determinations do not apply to claims of structural error, and that an attorney's uncorroborated testimony is categorically insufficient to overcome a defendant's contrary testimony.

We thus cannot grant today's motion to amend the certificate of appealability, and it has become clear that the original certificate is inadequate. Vacating a certificate of appealability is warranted when it would save time for the parties "without creating any risk of duplicate judicial work" because the certificate is "transparently defective." *Davis v. Borgen*, 349 F.3d 1027, 1028 (7th Cir. 2003); *cf. Buie v. McAdory*, 322 F.3d 980, 982 (7th Cir. 2003). The resources of the parties and the court are best conserved by resolving these issues now, before any briefs are filed.

We therefore **DENY** Wadsworth's motion, **VACATE** the certificate of appealability, and **DISMISS** this appeal.