

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

MAR 31 2025

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

OSCAR ADRIAN MARQUEZ,

Defendant - Appellant.

No. 24-7606
D.C. Nos. 3:24-cv-01384-MO
3:19-cr-00356-MO-1
District of Oregon,
Portland
ORDER

Before: CLIFTON and VANDYKE, Circuit Judges.

Appellant's opening brief (Docket Entry No. 3) is construed as a request for a certificate of appealability. The request for a certificate of appealability (Docket Entry Nos. 3, 4, and 7) is denied because appellant has not shown that "jurists of reason would find it debatable whether the [28 U.S.C. § 2255 motion] states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); *see also* 28 U.S.C. § 2253(c)(2); *Gonzalez v. Thaler*, 565 U.S. 134, 140-41 (2012).

Any pending motions are denied as moot.

DENIED.

Attachment 9 (I)

U.S. District Court

District of Oregon

Notice of Electronic Filing

The following transaction was entered on 11/19/2024 at 13:16 PM PST and filed on 11/19/2024

Case Name: USA v. Marquez

Case Number: 3:19-cr-00356-MO

Filer:

Document Number: 275 (No document attached)

Docket Text:

ORDER: Defendant Oscar Adrian Marquez's Motion to Vacate or Correct Sentence under 28 U.S.C. 2255 [270] is DENIED as untimely. Defendant's conviction became final on May 1, 2023, so his deadline for filing a petition under 28 U.S.C. 2255 was May 1, 2024. 28 U.S.C. 2255(f)(1). Defendant filed his Motion [270] more than two months late, with no argument why the statute of limitations should be equitably tolled. Additionally, on the face of the criminal complaint that initiated the charges against him, [1], it is clear the U.S. Attorney prosecuted the case against him within its powers on behalf of the United States. See 28 U.S.C. 547(1). Accordingly, Defendant's petition is also DENIED as frivolous. Ordered by Judge Michael W. Mosman. *(Deposited in outgoing mail to pro se party on 11/19/2024.)* (kms)

Attachment 8 (H)

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District of Oregon,
Portland

ORDER

Before: R. NELSON and BUMATAY, Circuit Judges.

The motion (Docket Entry No. 9) for reconsideration is denied. *See* 9th Cir.

R. 27-10.

No further filings will be entertained in this closed case.

Attachment 7⑥

**Additional material
from this filing is
available in the
Clerk's Office.**