No.: _____

IN THE
SUPREME COURT OF THE UNITED STATES

Martin Renteria

Petitioner

v.

The United States of America

Respondent

Application For An Extension Of Time To File A Petition For A Writ Of Certiorari

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Martin Renteria
Pro Se Petitioner
Federal Correctional Institution
Edgefield, South Carolina
501 Gary Hill Rd.
P.O. Box 725
Edgefield, SC, 29824

To: Supreme Justice Alito

Applicant-Petitioner Martin Renteria, a prisoner in Federal custody, No.: 18318-509 respectfully requests an extension of 60 days time to file a Petition for a Writ of Certiorari under Supreme Court Rules 13.5 and 30.3.

The basis for jurisdiction for the Petition for a Writ of Certiorari is under Supreme Court Rule 10(a) where a United States Court of Appeals has extended a decision in conflict with the decision of other U.S. Court of Appeals and the United States Supreme Court on the same important matter as to call for an exercise of this Court's supervisory power, and 28 U.S.C. § 1254(1).

The judgment sought to be reviewed is from the United States Court of Appeals for the 5th Circuit's denial of an application for a Certificate of Appealability (Attachment 1, Pgs. 1-2). Following the denial of the applicant's 28 U S.C. § 2255 Motion to vacate, set aside, or correct his sentence from the United States District court for the Western District of Texas, Midland/Odessa Division (Attachment 2), Appeal No.: 24-50557, USDC No.: 7:24-CV-26, Grounds one through six where Constitutional rights have been denied where;

1.) The superceding indictment failed to confer jurisdiction onto the trial Court by not including any essential facts in constituting the offense charged as required by Federal Rules of Criminal Procedure 7(c)(1) denying the applicant of his Sixth Amendment right to know the nature and cause of the accusations in order to prepare an adequate defense; the protection guaranteed within the Fifth Amendment not to be tried for the same offense twice; and the Fifth Amendment right to be charged only upon the presentment of an indictment of charges found by a grand jury by failing to state an offense.

2.) The applicant was denied the right to assistance of Counsel within the Sixth Amendment and his right to be free from an unreasonable seizure of his person within the Fourth Amendment when trial Counsel failed to inform the applicant or raise the issue that the arrest warrant obtained after a warrantless home arrest continued to allow the confinement of the applicant where it lacked probable cause and was unsupported by oath or affirmation when the arrest warrant did not describe the essential facts of the offense charged in the complaint as required by Federal Rules of Criminal procedure Rules three and four

3.) The applicant was denied his right to assistance of Counsel within the Sixth Amendment and the Fourth Amendment right to be free from unreasonable searches and seizures baed on a warrant that lacked probable cause and was unsupported by oath or affirmation when trial Counsel failed to inform the applicant or raise the issue that the October 27 2020 search warrant lacked probable cause by contained a false statement written by the affiant that an item of search would be located at a different geographical location

4) The applicant was denied the right to assistance of Counsel within the Sixth Amendment and the Fourth Amendment right to be free from unreasonable searches and seizures when trial Counsel failed to inform the applicant or raise the issue that a November 2, 2020 search warrant failed to meet the particularity requirement of the Fourth Amendment, and the 4th Amendment Fed. Rule. Crim. Proc. 41(e)(2)(A).

5.) The applicant was denied the right to assistance of Counsel within the Sixth Amendment when appellate Counsel failed to challenge the District Court's denial of the suppression of evidence that led to be conviction of the applicant where the (implied consent, good faith, independent source doctrine and inevitable discovery) exceptions to the Fourth Amendment exclusionary rule did not apply.

6.) The applicant was denied the right to assistance of Counsel within the Sixth Amendment when appellate Counsel abandoned the applicant's argument on direct appeal that trial evidence was insufficient to support a conviction under 18 U S C § 1591(e)(3) and when he included an accusatory statement that supported the Government's allegations against the applicant on direct appeal.

The reasons why the extension of time is necessary is that the Petitioner is a pro se Petitioner filing informa pauperis, and is waiting for the case work file to be provided from former trial and appellate attorneys.

Applicant-Petitioner was granted an extension of time on February 24, 2025; Application No.: 24A819 by Justice Alito. That extension of time was to extend time to file a Petition for Writ of Certiorari up to the date of April 25, 2025. (Attachment 3)

On May 15, 2025 the Office of the Clerk for the Supreme Court informed the Petitioner that he had 60 days to include items required by Supreme Court Rule 14(i) into the Appendix under Rule 14.5. (Attachment 4)

On June 3, 2025 a Motion for Reconsideration and Rehearing en banc was denied by the 5th Circuit Court of Appeals. (Attachment 5)

On June 18, 2025 Petitioner called the Office of the Clerk for the U S Supreme Court and spoke with Asst. Clerk Pipa Fisher who informed Petitioner that according to Supreme Court Rule 13.3 the Petitioner had 90 days from the date the application for Rehearing en banc was denied to resubmit the Petition if he included the denial into his corrected Petition.

During the month of March 2025, petitioner requested the entire casework file from trial Counsel, appellate Counsel, and the public defender for the Western District of Texas.

The Federal public defender's office provided portions of the casework files from trial and appellate attorneys which included missing and incomplete documents.

Petitioner made several more attempts to call and write both trial Counsel and appellate Counsel as well as the public defender to explain which documents he needed to complete the Appendix for his Writ of Certiorari

On July 10, 2025 Petitioner filed a Motion to compel the Federal public defender, defense Counsel, and/or appellate Counsel to surrender the casework file(s). (Attachment 6)

On July 21, 2025, the District Court ordered former defense attorney and appellate Counsel to turn over all records pertaining to this case so that Petitioner may pursue further collateral relief (within 30 days). (Attachment 7)

As of this date neither the trial or appellate attorneys, nor the public defenders office have complied with the District Court's order.

Trial Counsel, appellate Counsel, and the public defender are clearly aware that the Petitioner is attempting to prepare a meritorious Writ of Certiorari attacking Counsel's ineffectiveness during crucial points of proceedings.

These documents within the casework files are necessary for the Petitioner to complete the Appendix of the Petition for the Writ of Certiorari. They are essential so he may present with accuracy, brevity, and clarity whatever is needed in preparing an adequate

understanding of the points requiring the consideration of this Court. Under Supreme Court Rule 14(i) and 14.4.

Therefore, Petitioner respectfully requests this Court or Justice of this Court to grant a 60 day extension of time to file a Petition for a Writ of Certiorari to allow former defense Counsel, appellate Counsel, and/or the public defender time to comply with the District Court's order in surrendering the entire casework file(s) to the Petitioner.

Done on this 18th Day of August, 2025

Respectfully Submitted

Martin Renteria
18318-509
FCI Edgefield
P. O. Box 725
Edgefield, SC, 29824

Declaration

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct and that this application for an extension of time to file a Petition for a Writ of Certiorari under Supreme Court Rules 13.5 and 30.3 was deposited in the Edgefield Federal Correctional Institution's internal mail system on August 19, 2025 with first class postage prepaid and that it was also sent to the acting Solicitor General at the U.S. Department of Justice at 950 Pennsylvania avenue, NW. Washington DC 20530-0001 in compliance with Supreme Court Rule 29.4(a). Executed on August 19, 2025.

Martin Renteria 18318-509
Pro se Petitioner-Applicant
Federal Correctional Institution
Edgefield South Carolina
501 Gary Hill Rd. P.O. Box 725
Edgefield, SC. 29824

United States Court of Appeals for the Fifth Circuit

No. 24-50557

United States Court of Appeals
Fifth Circuit
FILED
November 26, 2024
Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

MARTIN RENTERIA,

Defendant—Appellant.

Application for Certificate of Appealability
the United States District Court
for the Western District of Texas
USDC No. 7:24-CV-26
USDC No. 7:20-CR-355-1

UNPUBLISHED ORDER

Before SOUTHWICK, WILLETT, and OLDHAM, *Circuit Judges*.

PER CURIAM:

Martin Renteria, federal prisoner # 18318-509, seeks a certificate of appealability (COA) to appeal the denial of his 28 U.S.C. § 2255 motion challenging his convictions for (i) production of child pornography; (ii) committing a felony against a minor while being a registered sex offender; (iii) possession of child pornography; and (iv) sex trafficking of a child.

Renteria argues that (a) the trial court lacked subject matter jurisdiction because his indictment was deficient; (b) he received ineffective assistance when his trial counsel failed to argue that his arrest warrant lacked probable cause, challenge the October 27, 2020 search warrant on the ground that it contained a false statement, and challenge the November 2, 2020 search warrant on the ground that the affidavit in support of the warrant failed to describe his cell phone with particularity; and (c) he received ineffective assistance when his appellate counsel failed to argue on appeal that the district court erred in denying his motion to suppress based on the inevitable discovery exception to the exclusionary rule and that there was insufficient evidence to support his sex trafficking conviction. He additionally argues that the district court erred by failing to hold an evidentiary hearing on his § 2255 motion.

In order to obtain a COA, Renteria must make "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2); *see Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003). When the district court denies relief on the merits, an applicant must show that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong. *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

Renteria has failed to make the requisite showing. *See Slack*, 529 U.S. at 484. Consequently, we DENY a COA. Renteria's motion to proceed in forma pauperis on appeal and motion to appoint counsel are likewise DENIED. As Renteria fails to make the required showing for a COA, we do not reach the issue whether the district court erred by failing to conduct an evidentiary hearing. *See United States v. Davis*, 971 F.3d 524, 534-35 (5th Cir. 2020).

(ATTACHMENT 1)

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
MIDLAND/ODESSA DIVISION

UNITED STATES OF AMERICA,

v.

(1) MARTIN RENTERIA

MO:20-CR-00355-DC
MO:24-CV-00026-DC

ORDER

BEFORE THE COURT is Defendant Martin Renteria's Motion to Vacate, Set Aside, or Correct his sentence under 28 U.S.C. § 2255. After considering the record and the Parties' briefing, the Court will deny Defendant's motion.

BACKGROUND

On November 10, 2021, a jury convicted Defendant of four counts: (1) producing child pornography, (2) committing that offense while being required to register as a sex offender, (3) possessing child pornography, and (4) sex trafficking of a child.[1] Based on those convictions, the Court sentenced Defendant to fifty years on Count One, ten years on Count Two, twenty years on Count Three, and life imprisonment on Count Four.[2] Defendant then appealed his conviction for Count Four.[3] The Fifth Circuit affirmed.[4]

Defendant now moves to vacate, set aside, or correct his sentence under § 2255, arguing this Court did not have jurisdiction to sentence him and that he suffered from

[1] Doc. 127.
[2] Doc. 159.
[3] Doc. 161.
[4] Doc. 170.

ineffective assistance of counsel because his trial counsel and appellate counsel failed to argue various points.[5] The issues are fully briefed and ripe for adjudication.

LEGAL STANDARD

I. Habeas petitions under 28 U.S.C. § 2255.

Under 28 U.S.C. § 2255(a), a prisoner may move "to vacate, set aside or correct" a federal court's sentence if that sentence was imposed "in violation of the Constitution or laws of the United States, or that the court was without jurisdiction to impose such sentence, or that the sentence was in excess of the maximum authorized by law, or is otherwise subject to collateral attack." "A defendant can challenge a final conviction, but only on issues of constitutional or jurisdictional magnitude."[6] "[T]o obtain collateral relief a prisoner must clear a significantly higher hurdle than would exist on direct appeal."[7]

II. Ineffective assistance of counsel in violation of the Sixth Amendment.

Ineffective assistance of counsel, which Defendant raises here, is one such "issue of constitutional magnitude."[8] As laid out by the Supreme Court in *Strickland v. Washington*, to prevail on an ineffective assistance of counsel claim, a convicted defendant must show (1) that defense counsel's performance was deficient and (2) that the deficient performance

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[5] Doc. 171.
[6] *United States v. Willis*, 273 F.3d 592, 595 (5th Cir. 2001).
[7] *United States v. Frady*, 102 S. Ct. 1584, 1593 (1982).
[8] *See United States v. Conley*, 349 F.3d 837, 839 n.1 (5th Cir. 2003) ("[A] claim for ineffective assistance of counsel is properly made in a § 2255 motion because it raises an issue of constitutional magnitude and, as a general rule, cannot be raised on direct appeal.") (internal quotation marks omitted).

(ATTACHMENT 2)

prejudiced the defendant.[9] The movant must establish *both* prongs by the preponderance of the evidence.[10]

For the first, deficient performance prong, the movant must show that their "counsel's performance fell below an objective level of reasonableness."[11] Yet courts are not to scrutinize counsel's performance based on adverse outcomes or hindsight.[12] Indeed, reviewing courts "must indulge a strong presumption that counsel's conduct falls within the wide range of reasonable professional assistance."[13] Likewise, under the second, prejudice prong, the movant must show that but for counsel's alleged deficient performance, there is a "reasonable probability" that the outcome would have been more favorable to the movant.[14]

DISCUSSION

Defendant's arguments fall into two broad categories. The first is his argument that this Court did not have jurisdiction to sentence him. The second category contains his litany of ineffective assistance of counsel claims against both his trial and appellate counsel. The Court handles each in turn.

I. This Court did have jurisdiction to sentence Defendant.

A federal district court's subject matter jurisdiction over a criminal case is determined by looking at the indictment.[15] "To confer subject matter jurisdiction upon a federal court,

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[9] 466 U.S. 668, 687 (1984).
[10] *See Wright v. United States*, 624 F.2d 557, 558 (5th Cir. 1980) ("In a section 2255 motion, a petitioner has the burden of sustaining his contentions by a preponderance of the evidence."); *see also United States v. Bass*, 310 F.3d 321 (5th Cir. 2002) ("Such a claim fails unless the defendant establishes *both* deficient performance and prejudice.") (emphasis in original).
[11] *Strickland*, 466 U.S. at 687–89.
[12] *Id.* at 690.
[13] *Id.*
[14] *Id.* at 694–95.
[15] *United States v. Scruggs*, 691 F.3d 660, 668 (5th Cir. 2012).

an indictment need only charge a defendant with an offense against the United States in language similar to that used by the relevant statute."[16] Thus, this most simple analysis would be a side-by-side of the language for each count found in Defendant's superseding indictment and the relevant statutes.

A. Count One: Sexual exploitation of children.

Superseding Indictment (Doc. 55)	18 U.S.C. § 2251(a)
That on or about October 4, 2020, in the Western District of Texas, the Defendant, **MARTIN RENTERIA,** did employ, use, persuade, induce, entice, and coerce a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, using materials that have been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer, in violation of Title 18, United States Code, §§ 2251(a), 2251(e), and 3559(e).	(a) Any person who employs, uses, persuades, induces, entices, or coerces any minor to engage in … any sexually explicit conduct for the purpose of producing any visual depiction of such conduct … using materials that have been mailed, shipped, or transported in or affecting interstate or foreign commerce by any means, including by computer.

B. Count Two: Penalties for registered sex offenders.

Superseding Indictment (Doc. 55)	18 U.S.C. § 2260A
That on or about October 4, 2020, in the Western District of Texas, the Defendant, **MARTIN RENTERIA,** an individual required by Federal or other law to register as a sex offender, committed a felony offense involving a minor under Title 18, United States Code, § 2251(a), all in violation of Title 18, United States Code § 2260A.	Whoever, being required by Federal or other law to register as a sex offender, commits a felony offense involving a minor under section …, 2251.

[16] *United States v. Jacquez–Beltran*, 326 F.3d 661, 662 n. 1 (5th Cir.2003) (per curiam).

C. Count Three: Certain activities relating to materials involving sexual exploitation of minors.

Superseding Indictment (Doc. 55)	18 U.S.C. § 2252(a)(4)
That on or about October 27, 2020, in the Western District of Texas, the Defendant, **MARTIN RENTERIA,** did knowingly possess a visual depiction of a prepubescent minor engaging in sexually explicit conduct, which had been mailed, shipped and transported in interstate and foreign commerce; was produced using materials which had been shipped and transported in interstate and foreign commerce; the production of which involved the use of prepubescent minors engaging in sexually explicit conduct, in violation of Title 18, United States Code, § 2252(a)(4) and 18 U.S.C. § 2252(b)(2).	(4) knowingly possesses… any visual depiction that has been mailed, or has been shipped or transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce, or which was produced using materials which have been mailed or so shipped or transported, by any means including by computer, if— (i) the producing of such visual depiction involves the use of a minor engaging in sexually explicit conduct; and (ii) such visual depiction is of such conduct; shall be punished as provided in subsection (b) of this section.

D. Count Four: Sex trafficking of children by force, fraud, or coercion.

Superseding Indictment (Doc. 55)	18 U.S.C. § 1591(a)
From on or about September 1, 2020, through on or about October 27, 2020, within the Western District of Texas, in and affecting interstate commerce, the defendant, **MARTIN RENTERIA,** did knowingly recruit, entice, harbor, transport, provide, obtain, maintain, solicit, and patronize MINOR 1, a person under the age of 14 years old, having had a reasonable opportunity to observe MINOR 1 and knowing and in reckless disregard that MINOR 1 was under the age of 18 years old and knowing and in reckless	(a) Whoever knowingly (1) in or affecting interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States, recruits, entices, harbors, transports, provides, obtains, advertises, maintains, patronizes, or solicits by any means a person; or (2) benefits, financially or by receiving anything of value, from participation in a venture which has engaged in an act described in violation of paragraph (1), knowing, or, except where the act constituting the violation of paragraph (1) is advertising, in reckless disregard of the fact, that means of force, threats of

disregard that MINOR 1 would be caused to engage in a commercial sex act and knowing and in reckless disregard that force, threats of force, fraud, and coercion, and any combination of such means, would be used to cause MINOR 1 to engage in a commercial sex act. All in violation of Title 18, United States Code, Sections 1591(a)(1), (b)(1), and (c).	force, fraud, coercion described in subsection (e)(2), or any combination of such means will be used to cause the person to engage in a commercial sex act, or that the person has not attained the age of 18 years and will be caused to engage in a commercial sex act, shall be punished as provided in subsection (b).

As seen in the tables above, a side-by-side analysis reveals that the language from each count found in Defendant's superseding indictment is almost identical to the statutory language. And that's all that's required "to confer subject matter jurisdiction upon a federal court."[17] Thus, Defendant's jurisdictional challenge fails.

II. Defendant's ineffective assistance of counsel claims.

Next, the Court moves to Defendant's ineffective assistance of counsel claims. On this front, Defendant levies three claims against his trial counsel and two against his appellate counsel.

A. Defendant's trial counsel was not ineffective.

Defendant's claims against his trial counsel hinge on the idea that counsel failed to argue that (1) his arrest was not supported by probable cause, (2) the October 2020 search warrant was based on a false statement, and (3) the November 2020 search warrant was facially deficient.[18] Yet even a quick review of the record reveals that these arguments are meritless or unsupported by the record.

[17] *Id*
[18] Doc. 171 at 22, 31–32, 40–42.

(ATTACHMENT 2)

For example, Defendant's claim that counsel failed to argue that his arrest was not supported by probable cause is just not true.[19] Indeed, as the record shows, trial counsel moved to "suppress the fruits of [Defendant's] illegal arrest, including: the discovery of Renteria's cell phone, any of its contents, and any evidence obtained therefrom."[20] So there is no support for this claim.

What's more, Defendant's second assertion that trial counsel did not argue that the October 2020 search warrant was based on a false statement is also not based in fact.[21] Defendant believes the "false statement" in the affidavit used to obtain the October 2020 search warrant was a statement that Defendant's cell phone was located inside his home, even though it had been seized during his arrest.[22] But that's not what the affidavit says. Rather, the affidavit states the search would be for "electronics to include but not limited to cell phone, tablets and other devices to record sex acts, child pornography, and other images depicting child pornography."[23] In other words, any other phones in Defendant's home.[24] Thus, this claim also doesn't match reality.[25]

Lastly, Defendant believes his trial counsel should have argued that the November 2020 search warrant was facially deficient because it described Defendant's phone only as a "Black Samsung cell phone SM."[26] Yet that would've been a frivolous argument to make. The Fourth Amendment requires that an item to be seized be described "with sufficient

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[19] *Id.* at 22.
[20] Doc. 24 at 1.
[21] Doc. 171 at 31–32.
[22] *Id.*
[23] Doc. 39-2 at 1 (sealed).
[24] This makes sense because it's quite common for those creating or possessing child pornography to have more than one phone in their possession.
[25] Trial counsel's motion to suppress also covered evidence obtained from Defendant's cell phone.
[26] Doc. 171 at 40–42; Doc. 39-3 at 1 (sealed).

(ATTACHMENT 2)

particularity so as to leave nothing to the discretion of the officer executing the warrant."[27] Here, the warrant sought to search the contents of Defendant's cell phone, which was already in law enforcement's possession.[28] In fact, the warrant even described the location of the phone to be the "City of Midland Police and Communication Center."[29] So a description of a single phone—already in law enforcement's possession at the police department—is one that leaves nothing to discretion.

In sum, the record actively contradicts each of Defendant's ineffective assistance claims against his trial counsel, which means all the arguments that Defendant thinks his counsel "should have made"—not counting the one argument counsel did in fact make—would have been meritless. And counsel's "failure" to make meritless arguments cannot form the basis for an ineffective assistance of counsel claim.[30] As a result, Defendant's ineffective assistance of counsel claims against his trial counsel must fail.[31]

B. Defendant's appellate counsel was not ineffective.

Defendant's remaining ineffective assistance of counsel claims fault his appellate counsel for not challenging (1) the denial of Defendant's suppression motion and (2) the sufficiency of the evidence on the commerce element for Count Four.[32] Yet both these claims were (and still are) meritless.

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[27] *United States v. Allen*, 625 F.3d 830, 835 (5th Cir. 2010) (cleaned up).
[28] Doc. 50 at 22.
[29] Doc. 39-3 1 (sealed).
[30] *See, e.g.*, *Williams v. Collins*, 16 F.3d 626, 634–35 (5th Cir. 1994); *see also United States v. Bass*, 310 F.3d 321 (5th Cir. 2002) ("Such a claim fails unless the defendant establishes *both* deficient performance and prejudice.") (emphasis in original).
[31] *See United States v. Bass*, 310 F.3d 321 (5th Cir. 2002) ("Such a claim fails unless the defendant establishes both deficient performance and prejudice.") (emphasis in original).
[32] Doc. 171 at 47, 62.

For example, most of Defendant's arguments on the denial of his suppression motion would have been foreclosed by the Fifth Circuit's opinion in *United States v. Lamas*.[33] Indeed, *Lamas* revolves around facts similar to this case, and, just like this Court did when it denied Defendant's suppression motion, the *Lamas* court held that the inevitable discovery doctrine applied.[34]

What's more, Defendant's belief that there was insufficient evidence for a jury to find he committed a "commercial sex act" under Count Four is offensive. Just like the jury who convicted Defendant, this Court was also present at Defendant's trial. And at trial, Defendant's minor victim testified that Defendant offered him money in exchange for performing sexual acts on Defendant.[35] That's spot-on for a commercial sex act.[36] Likewise, as Defendant's appellate counsel points out in his affidavit, because this insufficiency argument was so against the weight of the evidence presented at trial, if raised on appeal, it would have damaged the one argument against Count Four that appellate counsel did make.[37]

So in sum, Defendant's argument is that counsel should have made meritless arguments. But again, "failure to raise a meritless argument [] cannot form the basis of a successful ineffective assistance of counsel claim because the result of the proceeding would

[33] 930 F.2d 1099 (5th Cir. 1991).
[34] *Id.* at 1103; Doc. 67 at 14.
[35] Doc. 150 at 114–15.
[36] The Court's instructions to the jury defined "commercial sex act" as "any sex act, on account of which anything of value is given to or received by any person." Doc. 121 at 14.
[37] Doc. 175-2 at 7.

(ATTACHMENT 2)

not have been different had the attorney raised the issue."[38] Thus, Defendant's ineffective assistance of counsel claims against both trial and appellate counsel must fail.[39]

III. A certificate of appealability should be denied.

The Federal Rules of Appellate Procedure provide that an appeal may not proceed unless a certificate of appealability (COA) is issued under 28 U.S.C. § 2253.[40] Rule 11 of the Rules Governing § 2255 Proceedings requires the Court to "issue or deny a certificate of appealability when it enters a final order adverse to the applicant."[41] This Court may only issue a COA if "the applicant has made a substantial showing of the denial of a constitutional right."[42] Defendant can satisfy this standard by showing "that jurists of reason could disagree with the district court's resolution of his constitutional claims or that jurists of reason could conclude the issues presented are adequate to deserve encouragement to proceed further."[43]

A district court may deny a COA sua sponte without requiring further briefing or argument.[44] The Court believes Defendant has not made a showing that reasonable jurists would question the reasoning found in this Court's denial. Accordingly, the Court denies a COA.

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[38] *See Williams v. Collins*, 16 F.3d 626, 634–35 (5th Cir. 1994).
[39] *See United States v. Bass*, 310 F.3d 321 (5th Cir. 2002) ("Such a claim fails unless the defendant establishes both deficient performance and prejudice.") (emphasis in original).
[40] *See* FED. R. APP. P. 22(b).
[41] Rules Governing § 2255 Proceedings in the United States District Courts, Rule 11(a) (December 1, 2009).
[42] 28 U.S.C. § 2253(c)(2).
[43] *Miller-El v. Cockrell*, 537 U.S. 322, 326 (2003) (citing *Slack v. McDaniel*, 529 U.S. 473, 484 (2000)).
[44] *See Alexander v. Johnson*, 211 F.3d 898, 898 (5th Cir. 2000).

(ATTACHMENT 2)

CONCLUSION

It is therefore **ORDERED** that Defendant's Motion to Vacate, Set Aside, or Correct his sentence under § 2255 be **DENIED**. (Doc. 171).[45]

It is also **ORDERED** that a certificate of appealability be **DENIED**.

It is so **ORDERED**.

SIGNED this 14th day of May, 2024.

DAVID COUNTS
UNITED STATES DISTRICT JUDGE

[45] The Court finds that an evidentiary hearing on Defendant's motion is not necessary because Defendant's claims are meritless, unsupported generalizations, or affirmatively contradicted by the record. *See United States v. Guerra*, 588 F.2d 519, 521 (5th Cir. 1979), *cert. denied*, 450 U.S. 934 (1981) ("A hearing is not required on patently frivolous claims or those which are based upon unsupported generalizations. Nor is a hearing required where Movant's allegations are affirmatively contradicted by the record.").

Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001

Scott S. Harris
Clerk of the Court
(202) 479-3011

February 24, 2025

COPY

Mr. Martin Renteria
Prisoner ID #18318-509
FCI Edgefield
PO Box 725
Edgefield, SC 29824

Re: Martin Renteria
v. United States
Application No. 24A819

Dear Mr. Renteria:

The application for an extension of time within which to file a petition for a writ of certiorari in the above-entitled case has been presented to Justice Alito, who on February 24, 2025, extended the time to and including April 25, 2025.

This letter has been sent to those designated on the attached notification list.

Sincerely,

Scott S. Harris, Clerk

by

Pipa Fisher
Case Analyst

(ATTACHMENT 3)

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001

May 15, 2025

Martin Renteria
#18318-509
FCI Edgefield
501 Gary Hill Road, PO Box 725
Edgefield, SC 29824

RE: Martin Renteria v. United States
USCA5 No. 24-50557
No: 24A819

Dear Mr. Renteria:

The above-entitled petition for writ of certiorari was postmarked April 24, 2025 and received May 8, 2025. The papers are returned for the following reason(s):

The appendix to the petition does not contain the following documents required by Rule 14.1(i):

The lower court opinion(s) must be appended from the United States Court of Appeals for the Fifth Circuit and the United States District Court for the Western District of Texas.

Please correct and resubmit as soon as possible. Unless the petition is submitted to this Office in corrected form within 60 days of the date of this letter, the petition will not be filed. Rule 14.5.

A copy of the corrected petition must be served on opposing counsel.

When making the required corrections to a petition, no change to the substance of the petition may be made.

Sincerely,
Scott S. Harris, Clerk
By:
Pipa Fisher
(202) 479-3019

Enclosures

(ATTACHMENT 4)

United States Court of Appeals for the Fifth Circuit

No. 24-50557

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

MARTIN RENTERIA,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 7:24-CV-26

ON MOTION FOR RECONSIDERATION
AND REHEARING EN BANC

UNPUBLISHED ORDER

Before SOUTHWICK, WILLETT, and OLDHAM, *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. 40 and 5TH CIR. R. 40), the petition for rehearing en banc is DENIED.

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
MIDLAND/ODESSA DIVISION

United States of America	)	
	)	
v.	)	
	)	No.: 20-CR-00355-DC
Martin Renteria	)	

Motion To Compel Federal Public Defender,
Defense Counsel And/Or Appellate Counsel
To Surrender The Case File In The Above Styled
Action To The Defendant Of This Case

Comes now, the "Defendant," Martin Renteria in PRO SE, in necessity, and hereby Moves this Honorable Court to ISSUE an ORDER. Compelling Federal Public Defender Maureen Scott-Franco, Defense Counsel of record, Anthony J. Colton and/or Appellate Counsel, Bradford W. Bogan to surrender the Case/Work File he/she created in representing the Defendant. The Defendant hereby avers that the portions of his Case/Work File, that he has been denied by Defense Counsel of record, include but are not limited to:

1.) Transcripts he reviewed for appeal advice.
2.) All discovery available by Standing Court Order.
3.) All Court filings, motions, responses, and orders.
4.) All other notes, letters, correspondence, plea agreements, emails, and/or any other tangible thing associated with this case, and subsequent Appeal No.: 22-50242.

The Defendant hereby avers that he intends to file a Petition for writ of certiorari to challenge the Fifth Circuit's denial of a Certificate of Appealability in regards to the District Court's denial of the Defendant's 28 U.S.C. § 2255 Motion; to vacate, set aside, or correct a sentence.

For such a Petition to be timely, the Defendant must file within 90 days of his Criminal Conviction becoming final, or from other events according to the statute. The records that the Defendant seeks are necessary for preparation of such pleadings and are the Defendant's property. In support, the Defendant shows the Court the following:

1.) The Defendant has made attempts to call and/or has made written requests to the Federal Public Defender Maureen Scott-Franco, and Assistant Federal Public Defenders, Anthony J. Colton, and Bradford W. Bogan, in hopes that they would act professionally and responsibly by turning over the Case/Work File of the Defendant to him.

2.) To date, Federal Public Defender, or Appellate Counsel of record, or Defense Counsel of record, has failed to surrender Defendant's ENTIRE Case/Work File to the Defendant, the Defendant asserts that, based on the FACT that Counsel is CLEARLY aware that the (Defendant's) attempts to prepare a meritorious writ of certiorari attacking Counsel's INEFFECTIVENESS during all crucial points of proceedings.

3.) The Defendant seeks the ACTIVE PROTECTION of this Court through a Court ORDER directing the Federal Public Defender, and the Assistant Public Defenders of record to surrender the Case/Work File of record to the Defendant.

4.) The Court may ORDER Federal Public Defender, and Assistant Public Defenders of record to surrender the Defendant's Case/Work File. First, the Defendant is entitled to the Case/Work File because it was created during the time period that Counsel represented the Defendant. Second, both law and the American BAR Association recognize that Counsel has a duty not to obstruct the Defendant's attempts to challenge his conviction and/or sentence. See ABA Standards for Criminal Justice, Defense Functions Standards and Commentary ("The resounding message is that defense attorneys, because of their intimate knowledge of the trial proceedings and their possession of unique information regarding possible post-conviction claims, have an obligation to cooperate with the client's attempt to challenge their convictions."); United States v. Dorman, 58 M.J. 295 (C.A.A.F. 2003); Hiatt v. Clark, Ky. No. 2005-SC-455-MR (6/15/06). See also Maxwell v. Florida, 479 U.S. 972, 93 L. Ed. 2d 418-420, 107 S. Ct. 474 (1986) (The right to effective assistance fully encompasses the client's right to obtain from trial counsel the work files generated during and pertinent to that client's defense. It further entitles the client to utilize materials contained in these files in any proceeding at which the adequacy of trial counsel's representation may be challenged."); Spivey v. Zant, 683 F.2d 881, 885 (5th Cir. 1982) (habeas corpus Petitioner is entitled to former trial attorneys file and the work product doctrine does not

apply to situations in which the client seeks access to documents or other tangible things created during course of attorney's representation.)

5.) Finally, it has been made clear to the Federal Public Defenders Office and the Assistant Public Defenders through written letters, that the Defendant is diligently seeking to obtain his Case/Work File and other Tangible things. Counsel recognizes that the Defendant has a right to his Case/Work File and seems to be attempting to stall the Defendant until his statutory limitation has expired.

Wherefore now, above premises considered, the Defendant hereby MOVES this Honorable Court to ISSUE an ORDER compelling Federal Public Defender, Defense Counsel of record and/or Appellate Counsel to surrender the complete Case/Work File to the Defendant as pertains to the Defendant's Criminal case and direct appeal. Furthermore, that Counsel place these materials in large envelopes, CLEARLY MARKED: "SPECIAL LEGAL MAIL, OPEN ONLY IN THE PRESENCE OF THE INMATE" and mail the large package to:

Done on this 10th Day of July, 2025

Respectfully Submitted

Martin Renteria

Martin Renteria
18318-509
FCI Edgefield
P.O. Box 725
Edgefield, SC, 29824

(ATTACHMENT 6)

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
MIDLAND/ODESSA DIVISION

UNITED STATES OF AMERICA, *Respondent*	§	
	§	**MO-20-CR-00355-DC**
v.	§	
(1) MARTIN RENTERIA, *Movant*	§	

ORDER GRANTING MOVANT'S MOTION TO COMPEL DEFENSE COUNSELS TO SURRENDER THE CASE FILE [DOCKET NUMBER 196]

Before the Court is Movant's Motion to Compel Defense Counsels to Surrender the Case File. [docket number 196]. There, Movant asks this Court to order his former defense attorneys Anthony Colton (trial) and Braford Bogan (appeal) to turn over all records pertaining to this case so that he may pursue further collateral relief. [*Id.*].

The Court now **ORDERS** the Clerk of the Court to send a copy of docket number 196 to Movant's former attorneys of record, Anthony Colton and Bradford Bogan, along with a copy of this Order. Both attorneys, Anthony Colton and Bradford Bogan, are then **ORDERED** to respond to this Court's Order within 30 days as to why each of them cannot produce the defense file and documents Movant requests, either that or produce the file for Movant and notify the Court within 30 days of such.

The Court would note that some documents Movant seeks either cannot be turned over to Movant considering this Court's standing orders (Presentence Investigation Report), do not exist on the docket for this case (his own discovery or any grand jury information), or are sealed (any written plea agreement). Only items not restricted by the Court may be released to Movant.

Finally, the Clerk of the Court is **ORDERED** to produce a one-time docket sheet for Movant at no cost. This docket sheet will help Movant identify the specific docketed items he seeks. The docket sheet will also help him contact the Clerk of the Court in the future to provide those documents to him at a reasonable price if his attorneys can no longer find the documents in question, and if those documents are not sealed or restricted from release in some way.

It is so **ORDERED**.

SIGNED this 21st day of July, 2025.

DAVID COUNTS
UNITED STATES DISTRICT JUDGE