

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

ANTONIO MENDOZA,	)	
Petitioner,	)	
	)	
vs.	)	Case No. 1:11-cv-0018-TWP-MJD
	)	
UNITED STATES OF AMERICA.	)	

**Denial of Motion for Certificate of Appealability**

This section 2255 action was dismissed on July 29, 2013. Since then, Mr. Mendoza has filed two post-judgment motions, on March 13, 2014, and July 23, 2015, respectively. Both post-judgment motions were treated as new cases under section 2255. Mr. Mendoza now seeks a certificate of appealability.

The Court denied a certificate of appealability in this action on July 29, 2013. The Seventh Circuit Court of Appeals also denied a certificate of appealability in this action on December 13, 2013.

With respect to the decision to process Mr. Mendoza’s July 23, 2015, Rule 60(b) motion as a new civil action, pursuant to Federal Rule of Appellate Procedure 22(b), Rule 11(a) of the Rules Governing § 2255 proceedings, and 28 U.S.C. § 2253(c), the Court finds that Mr. Mendoza has failed to show that reasonable jurists would find “it debatable whether the petition states a valid claim of the denial of a constitutional right.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). The Court therefore **denies** Mr. Mendoza’s motion for a certificate of appealability [dkt. 33].

**IT IS SO ORDERED.**

Date: 9/15/2015

  
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TANYA WALTON PRATT, JUDGE  
United States District Court  
Southern District of Indiana

Distribution:

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