

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

MICHAEL A. DOUGLAS, JR.,	)	
	)	
Movant,	)	
	)	No. 1:07-cr-00131-TWP-KPF-1
vs.	)	No. 1:11-cv-1419-TWP-DKL
	)	
UNITED STATES OF AMERICA.	)	

**Entry Discussing Motion for Relief Pursuant to 28  
U.S.C. ' 2255 and Denying Certificate of Appealability**

**I.**

The motion of Michael Douglas challenging his drug conviction in No. 1:07-cr-131-TWP -KPF-1 is **denied**. The reasons Douglas' 28 U.S.C. § 2255 motion must be denied are these:

1. The motion was filed beyond the 1-year period prescribed in 28 U.S.C. § 2255(f)(1). That is, his conviction became final on May 16, 2008, and the § 2255 motion was not signed until October 19, 2011, far more than one year later.

2. The decision Douglas argues supports his claim is *DePierre v. United States*, 131 S. Ct. 2225 (2011). *DePierre* has not been held to apply “retroactively to cases on collateral review.” *Lee v. United States*, 2013 WL 1688928 (C.D.Ill. Apr. 18, 2013); *see also Chesnut v. United States*, 2012 WL 3262728 (S.D.Ill. Aug. 9, 2012)(citing cases).

3. The claim based on *DePierre* is meritless for the reasons described in the Entry issued on September 20, 2013 [dkt 20], denying Douglas' motion to amend.

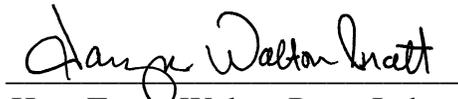
**II.**

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 Douglas 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” and “debatable whether [this Court] was correct in its

procedural ruling.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). The court therefore **DENIES** a certificate of appealability.

**IT IS SO ORDERED.**

Date: 09/23/2013

  
Hon. Tanya Walton Pratt, Judge  
United States District Court  
Southern District of Indiana

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