

UNITED STATES COURT OF APPEALS
TENTH CIRCUIT

July 22, 2011

Elisabeth A. Shumaker
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

JUAN ANTONIO VAZQUEZ,

Defendant-Appellant.

No. 11-4044
(D.C. Nos. 2:10-CV-00993-TC and
2:06-CR-00196-TC-1)
(D. Utah)

ORDER DENYING CERTIFICATE OF APPEALABILITY*

Before **LUCERO**, **EBEL**, and **GORSUCH**, Circuit Judges.

In 2007, a jury convicted Juan Antonio Vazquez of possession with intent to distribute 500 grams or more of a mixture of substances containing methamphetamine. This court subsequently affirmed the conviction and resulting sentence. *United States v. Vazquez*, 555 F.3d 923 (10th Cir. 2009). Mr. Vazquez then filed a motion in the district court seeking relief under 28 U.S.C. § 2255. The district court denied the petition and Mr. Vazquez now seeks a certificate of appealability (“COA”) to contest that denial.

* This order is not binding precedent except under the doctrines of law of the case, *res judicata*, and collateral estoppel. It may be cited, however, for its persuasive value consistent with Fed. R. App. P. 32.1 and 10th Cir. R. 32.1.

We may grant a COA only if Mr. Vazquez makes a “substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). Under this standard, an applicant must show “that reasonable jurists could debate whether (or, for that matter agree that) the petition should have been resolved in a different manner or that the issues presented were adequate to deserve encouragement to proceed further.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (internal quotation omitted). Because Mr. Vazquez proceeds in this court *pro se*, we review his pleadings with special solicitude.

Even so, we cannot grant a COA in this case. Reviewing the complete record, we conclude that no reasonable jurist would debate the district court’s disposition of Mr. Vazquez’s claims, and for substantially the same reasons given by the district court. Accordingly, Mr. Vazquez’s application for a COA is denied and this appeal is dismissed.

ENTERED FOR THE COURT

Neil M. Gorsuch
Circuit Judge