

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ISMAEL MENDOZA-RODRIGUEZ,

Defendant.

Case No. [4:15-cr-00547-JD-10](#)

**ORDER RE CERTIFICATE OF
APPEALABILITY**

Re: Dkt. No. 648

On October 25, 2021, the Court held an evidentiary hearing on petitioner Ismael Mendoza-Rodriguez's Section 2255 habeas petition with respect to the sole issue of whether he had asked his attorney to file an appeal after sentencing. The Court made detailed findings of fact and conclusions of law based on the evidence and testimony presented at the hearing. Dkt. No. 646. Judgment was entered against Mendoza-Rodriguez on November 3, 2021. Dkt. No. 647.

Mendoza-Rodriguez's request for a certificate of appealability, Dkt. No. 648, is denied. The Court may grant a certificate of appealability "only if the applicant has made a substantial showing of the denial of a constitutional right," 28 U.S.C. § 2253(c)(2), and the certificate must indicate which issues satisfy this standard. *Id.* § 2253(c)(3). "Where a district court has rejected the constitutional claims on the merits, the showing required to satisfy § 2253(c) is straightforward: [t]he petitioner must demonstrate 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).

The evidence presented at the evidentiary hearing was overwhelming against Mendoza-Rodriguez. No reasonable judge would conclude otherwise. Consequently, a certificate of appealability is denied. *See* Rule 11(a) of the Rules Governing Section 2255 Cases.

IT IS SO ORDERED.

Dated: November 22, 2021


JAMES DONATO
United States District Judge