

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

	*	
UNITED STATES OF AMERICA,	*	
Plaintiff	*	CIVIL NO. JKB-15-2898
v.	*	CRIMINAL NO. JKB-12-0479
GARNETT GILBERT SMITH,	*	
Defendant	*	
* * * * *		

MEMORANDUM AND ORDER

Now pending before the Court is the Defendant’s MOTION TO VACATE, SET ASIDE, OR CORRECT SENTENCE pursuant to 28 U.S.C. § 2255 (ECF No. 158). The Government has responded (ECF No. 173).

The Court has carefully reviewed the lengthy Motion and various allegations presented by the Defendant, attacking the lawfulness of his conviction and sentence. The Court has also read and reflected upon the Government’s lengthy response. The Court has studied those portions of the record that are cited by the parties and which are relevant to the issues raised.

No hearing is necessary to resolve this Motion. Defendant’s allegations, although numerous and passionately presented, are completely unpersuasive. They lack factual and legal support. The Government’s response is careful and exacting, and it deals with every substantive allegation made by the Defendant. It is persuasive on all points.

Accordingly, for the reasons set out in the Government’s response (ECF No. 173), the Motion is DENIED.

A certificate of appealability may issue only if the defendant has made a substantial showing of the denial of a constitutional right. 28 U.S.C. §2253(c)(2). *See also Slack v. McDaniel*, 529 U.S. 473, 484 (2000). In order to satisfy §2253(c), a defendant must demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong. *Miller-El v. Cockrell*, 537 U.S. 322, 336-38 (2003) (citing *Slack*, 529 U.S. at 484). Defendant has failed to meet the standard for a certificate of appealability. Therefore, it is DENIED.

DATED this 8th day of January, 2016.

BY THE COURT:

/s/
James K. Bredar
United States District Judge