

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

February 11, 2020

Christopher M. Wolpert
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

YEHIA HASSEN,

Defendant - Appellant.

No. 19-3124
(D.C. Nos. 2:18-CV-02163-JWL &
2:07-CR-20099-JWL-4)
(D. Kan.)

ORDER DENYING CERTIFICATE OF APPEALABILITY*

Before **HARTZ, HOLMES, and MORITZ**, Circuit Judges.

Petitioner Yehia Hassen pled guilty in 2009 to two charges relating to a drug trafficking operation and was eventually sentenced to 324 months imprisonment. In 2018, he filed a motion under 28 U.S.C. § 2255 to vacate his guilty plea and sentence on multiple grounds. The district court denied Hassen’s motion and denied his request for an evidentiary hearing and a certificate of appealability (COA).

Hassen now seeks a COA from this court to appeal the district court’s denial of three of his § 2255 claims, all relating to the alleged ineffective assistance of his plea counsel, without holding an evidentiary hearing. We may issue a COA “only if the

* This order is not binding precedent except under the doctrines of law of the case, res judicata, and collateral estoppel.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.

applicant has made a substantial showing of the denial of a constitutional right.”

28 U.S.C. § 2253(c)(2). This standard requires him to demonstrate “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 marks omitted).

Upon consideration of Hassen’s brief and request for COA, the district court’s decision, and the record on appeal, we conclude reasonable jurists would not debate the district court’s decision to deny his ineffective-assistance-of-counsel claims without holding an evidentiary hearing. Accordingly, we deny Hassen’s request for a COA and dismiss this matter.

Entered for the Court

Nancy L. Moritz
Circuit Judge