

UNITED STATES COURT OF APPEALS March 4, 2011
TENTH CIRCUIT Elisabeth A. Shumaker
Clerk of Court

UNITED STATES OF AMERICA,
Plaintiff–Appellee,

v.

CARLOS PORTILLO-QUEZADA,
a/k/a Luis Quezada,
Defendant–Appellant.

No. 10-3244
(D.C. Nos. 2:03-CR-20051-JWL-DJW-
1 and 2:08-CV-02295-JWL)
(D. Kan.)

ORDER DENYING CERTIFICATE OF APPEALABILITY*

Before **O’BRIEN, McKAY, and TYMKOVICH**, Circuit Judges.

Defendant seeks a certificate of appealability to appeal the district court’s denial of his 28 U.S.C. § 2255 habeas petition. Defendant was convicted on multiple counts relating to a drug-distribution conspiracy, and his conviction and sentence were affirmed by this court on direct appeal. *See United States v. Portillo-Quezada*, 469 F.3d 1345 (10th Cir. 2006). In his habeas petition, Defendant raised ten claims of ineffective assistance of counsel. The district

* This order is not binding precedent except under the doctrines of law of the case, res judicata, and collateral estoppel.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

court concluded Defendant was not entitled to relief on any of these claims and accordingly dismissed the petition.

After carefully reviewing Defendant's brief and the record on appeal, we conclude that reasonable jurists would not debate whether the district court erred in dismissing the petition. *See Slack v. McDaniel*, 529 U.S. 473, 484 (2000). As the district court correctly concluded, none of Defendant's claims, considered either individually or cumulatively, reflected constitutionally deficient or prejudicial performance by trial counsel. *See Strickland v. Washington*, 466 U.S. 668, 687-88 (1984). Therefore, for substantially the same reasons explained by the district court, we **DENY** the application for a certificate of appealability and **DISMISS** the appeal.

ENTERED FOR THE COURT

Monroe G. McKay
Circuit Judge