

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

July 20, 2015

TENTH CIRCUIT

Elisabeth A. Shumaker
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JASON JONES,

Defendant - Appellant.

No. 15-3063
(D.C. Nos. 6:14-CV-01371-MLB and
6:11-CR-10131-MLB-1)
(D. Kansas)

ORDER DENYING CERTIFICATE OF APPEALABILITY

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

Defendant Jason Jones seeks a certificate of appealability (COA) so that he can appeal the denial by the United States District Court for the District of Kansas of his motion for relief under 28 U.S.C. § 2255. *See* 28 U.S.C. § 2253(c)(1)(B) (requiring COA to appeal denial of relief under § 2255). A COA “may issue . . . only if the applicant has made a substantial showing of the denial of a constitutional right.” *Id.* § 2253(c)(2).

Defendant’s sole claim is that the Fifth and Sixth Amendments entitled him to jury findings beyond a reasonable doubt on the elements of his sentence enhancement under the Armed Career Criminal Act, 18 U.S.C. § 924(e). As we informed him when he raised this identical issue on his direct appeal of his conviction, *see United States v. Jones*,

530 F. App'x 747, 754 (10th Cir. 2013), this claim has no merit. *See United States v. Prichard*, 875 F.2d 789, 791 (10th Cir. 1989) (per curiam) (“Absent an intervening change in the law of a circuit, issues disposed of on direct appeal generally will not be considered on a collateral attack by a motion pursuant to § 2255.”).

We DENY a COA and DISMISS the appeal.

ENTERED FOR THE COURT

Harris L Hartz
Circuit Judge