

UNITED STATES COURT OF APPEALS
TENTH CIRCUIT

July 15, 2016

Elisabeth A. Shumaker
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

KEVIN FOLSE,

Defendant - Appellant.

No. 16-2059

(D.C. Nos . 1:16-CV-00196-JB/WPL
and 1:15-CR-02485-JB-1)
(D.N.M.)

ORDER DENYING CERTIFICATE OF APEALABILITY*

Before **GORSUCH, BALDOCK, and McHUGH**, Circuit Judges.

Defendant Folse stands convicted of federal offenses related to carjacking and gun possession. His sentencing hearing is currently scheduled for July 19, 2016. In an order dated March 31, 2016, the district court explained to Defendant Folse why his § 2255 petition was premature and dismissed his petition without prejudice. For the reasons stated in that court’s order, Defendant’s appeal from the dismissal thereof is similarly premature. Accordingly, we deny Defendant a certificate of appealability, deny any outstanding motions as moot, and dismiss the appeal.

* This order is not binding precedent except under the doctrines of law of the case, res judicata, and collateral estoppel.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

APPEAL DISMISSED.

Entered for the Court,

Bobby R. Baldock
United States Circuit Judge