

In the
United States Court of Appeals
For the Eleventh Circuit

No. 23-10061

CARLOS MONTEMAYOR,
a.k.a. Fox,
a.k.a. The Director,
a.k.a. Licenciado,

Petitioner-Appellant,

versus

UNITED STATES OF AMERICA,

Respondent-Appellee.

2

Order of the Court

23-10061

Appeal from the United States District Court
for the Northern District of Georgia
D.C. Docket No. 1:21-cv-03555-LMM

ORDER:

Carlos Montemayor moves for a certificate of appealability (“COA”), in order to appeal the district court’s denial of his counseled 28 U.S.C. § 2255 motion, which alleged that his trial counsel failed to properly raise and preserve the disqualification of his previous attorney. Because his claim involves issues that “deserve encouragement to proceed further,” *see Slack v. McDaniel*, 529 U.S. 473, 484 (2000), his motion for a COA is GRANTED, as to the following issue:

Whether the district court erred in determining that Montemayor could not establish prejudice, as to his ineffective assistance claim, based on his counsels’ failure to preserve the issue of his predecessor counsel’s disqualification.

/s/ Elizabeth L. Branch

UNITED STATES CIRCUIT JUDGE