



2255 Motion. Following the Third Circuit's decision in United States v. Eyer, clarifying the interpretation of 28 U.S.C. § 2253(c)(1), it is established that this Court has the authority to grant a Certificate of Appealability. 113 F.3d 470, 473 (3d Cir. 1997)("[W]e hold that the district court had the power to grant a certificate of appealability."). Under 28 U.S.C. § 2253(c)(2), a Certificate of Appealability from dismissal of a § 2255 Motion can issue "only if the applicant has made a substantial showing of a denial of a constitutional right." In this case, the sole argument contained in Defendant's § 2255 Motion was that the District Court lacked jurisdiction over the charged offenses. All of the offenses with which Defendant was charged involved violations of federal law; thus, this Court had original jurisdiction over them pursuant to 18 U.S.C. § 3231. Accordingly, Defendant has failed to make the necessary showing required by 28 U.S.C. § 2253(c)(2), and his Motion for a Certificate of Appealability is DENIED.

BY THE COURT:

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JAMES MCGIRR KELLY, J.