

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

September 30, 2010

Lyle W. Cayce
Clerk

No. 10-20121

Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JUAN CARLOS MARTINEZ-ORDONEZ,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:08-CV-3667

Before DENNIS, CLEMENT, and ELROD, Circuit Judges.

PER CURIAM:*

Juan Carlos Martinez-Ordonez (Martinez), federal prisoner # 16286-179, seeks a certificate of appealability (COA) to appeal the district court's denial of his motions to alter or amend its judgment denying his 28 U.S.C. § 2255 motion. Martinez is incarcerated in connection with his conviction for conspiracy to commit hostage taking of foreign nationals; aiding and abetting the hostage taking of foreign nationals; and aiding and abetting the harboring of illegal aliens for the purpose of commercial advantage and private financial gain.

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

A COA is required to appeal the denial of Rule 60(b) relief, except where, as here, the purpose of the Rule 60(b) motion is only “to reinstate appellate jurisdiction over the original denial of habeas relief.” *Ochoa Canales v. Quarterman*, 507 F.3d 884, 888 (5th Cir. 2007). Martinez needs no COA to appeal the denial of his Rule 60(b) motions, and his motion for a COA is DENIED as unnecessary.

The denial of a Rule 60(b) motion is reviewed for an abuse of discretion. *Provident Life & Accident Ins. Co. v. Goel*, 274 F.3d 984, 997 (5th Cir. 2001). Martinez argues no error in the original judgment denying his § 2255 motion. Martinez thus fails to show that the denial of his 60(b) motions challenging that judgment was so unwarranted as to be an abuse of discretion. *See Seven Elves, Inc. v. Eskenazi*, 635 F.2d 396, 402 (5th Cir. 1981).

AFFIRMED.