

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
OKLAHOMA

United States of America v. Jose Miguel Pacheco

Pacheco · No. CR-19-00073-002-RAW; CV-24-359-RAW · Decided April 6, 2026

SUMMARY

The United States District Court for the Eastern District of Oklahoma denied Jose Miguel Pacheco’s motion under 28 U.S.C. § 2255 to vacate, set aside, or correct his sentence. The court held that three claims were procedurally barred because they had been rejected on direct appeal, and that his ineffective-assistance claim failed because counsel’s performance was not objectively unreasonable. The court also declined to issue a certificate of appealability.

CASE DETAILS

COURT	United States District Court for the Eastern District of Oklahoma
WRITING FOR THE COURT	Ronald A. White
JURISDICTION	United States District Court for the Eastern District of Oklahoma
DECIDED	April 6, 2026
DOCKET	CR-19-00073-002-RAW; CV-24-359-RAW
DISPOSITION	denied
PROCEDURAL POSTURE	Defendant moved under 28 U.S.C. § 2255 to vacate, set aside, or correct his sentence. The Government opposed the motion, and the district court denied relief without an evidentiary hearing and declined to issue a certificate of appealability.
STANDARD OF REVIEW	Section 2255 collateral-attack standards; claims previously resolved on direct appeal generally may not be relitigated absent an intervening change in circuit law. Ineffective-assistance claims are governed by Strickland v. Washington. A certificate of appealability requires the showing specified in 28 U.S.C. § 2253(c)(2) and Slack v. McDaniel.
PRECEDENTIAL VALUE	unpublished
PARTIES	Jose Miguel Pacheco v. United States of America

TOPICS

- post-conviction relief
- ineffective assistance
- sentencing
- criminal procedure

PRACTICE AREAS

Federal post-conviction litigation

Federal criminal sentencing

Ineffective assistance of counsel

QUESTIONS PRESENTED

1. Whether Pacheco's challenges to the organizer/leader enhancement, drug-quantity calculation, and length of sentence were procedurally barred because they had been resolved on direct appeal.
2. Whether trial counsel provided ineffective assistance by allegedly failing to argue on Pacheco's behalf.
3. Whether Pacheco was entitled to a certificate of appealability.

HOLDINGS

1. Claims disposed of on direct appeal generally may not be considered on collateral attack under § 2255 absent an intervening change in circuit law. Because the Tenth Circuit had rejected Pacheco's challenges and he identified no intervening change in law, Grounds One, Two, and Three were procedurally barred.
2. Pacheco failed to establish ineffective assistance of counsel because he did not show that counsel's performance fell below an objective standard of reasonableness. Counsel objected to the presentence report, sought a downward variance, and advocated at sentencing.
3. A certificate of appealability should not issue because Pacheco failed to make a substantial showing of the denial of a constitutional right and did not show that reasonable jurists would debate the procedural or merits determinations.

KEY QUOTATIONS

“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.”

“Judicial scrutiny of counsel’s performance must be highly deferential.”

“Solemn declarations in open court carry a strong presumption of verity.”

FACTUAL BACKGROUND

A federal grand jury charged Pacheco with participating in a large-scale drug-trafficking organization and related offenses. He pleaded guilty to possession with intent to distribute methamphetamine based on one count arising from a traffic pursuit, while the Government dismissed six other counts. At sentencing, the court relied on drug-quantity evidence from coconspirator interviews, imposed an organizer/leader enhancement, and sentenced Pacheco to 274 months' imprisonment. Pacheco later alleged that the sentencing determinations were erroneous and that counsel failed to advocate adequately.

PROCEDURAL HISTORY

Pacheco pleaded guilty without a plea agreement to possession with intent to distribute methamphetamine and was sentenced to 274 months' imprisonment; the remaining counts were dismissed. The Tenth Circuit affirmed the sentence on direct appeal. Pacheco then filed a timely § 2255 motion asserting that the sentencing enhancement, drug-quantity calculation, and sentence length were erroneous and that counsel was ineffective.

The district court held that the first three claims were procedurally barred because they had been rejected on direct appeal and denied the ineffective-assistance claim on the merits.

DISPOSITION

denied

CASES CITED

- United States v. Pacheco, No. 22-7062, 2024 WL 561927, at *1-2 (10th Cir. Feb. 13, 2024) (unpublished)
- United States v. Pacheco, 2024 WL 561927, at *3, *5
- United States v. Prichard, 875 F.2d 789, 791 (10th Cir. 1989)
- United States v. Nolan, 571 F.2d 528, 530 (10th Cir. 1978)
- Strickland v. Washington, 466 U.S. 668, 687, 689, 694 (1984)
- Foster v. Ward, 182 F.3d 1177, 1184 (10th Cir. 1999)
- Padilla v. Kentucky, 599 U.S. 356, 371 (2010)
- Harrington v. Richter, 562 U.S. 86, 110 (2011)
- Blackledge v. Allison, 431 U.S. 63, 74 (1977)
- Slack v. McDaniel, 529 U.S. 473, 484 (2000)