

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

AARON THOMAS )  
 )  
 vs. ) Case No. 2:14-cv-08055-LSC-HGD  
 )  
 UNITED STATES OF AMERICA )

**MEMORANDUM OPINION**

On October 15, 2014, the magistrate judge’s report and recommendation was entered and the parties were allowed therein fourteen (14) days in which to file objections to the recommendations made by the magistrate judge. On October 28, 2014, petitioner filed objections to the magistrate judge’s report and recommendation.

After careful consideration of the record in this case, the magistrate judge’s report and recommendation and the petitioner’s objections thereto, the court hereby ADOPTS the report of the magistrate judge. The court further ACCEPTS the recommendations of the magistrate judge that the petition for writ of habeas corpus be denied.

Pursuant to Rule 11 of the *Rules Governing § 2255 Proceedings for the United States District Courts*, the Court has evaluated the claims within the petition for suitability for the issuance of a certificate of appealability (COA). *See* 28 U.S.C. § 2253.

Rule 22(b) of the Federal Rules of Appellate Procedure provides that in a § 2255 proceeding, a petitioner cannot take an appeal unless a district judge issues a COA. Pursuant to 28 U.S.C. § 2253(c)(2), a COA may issue only when the petitioner “has made a substantial showing of the denial of a constitutional right.” This showing can be established by demonstrating that “reasonable jurists could debate whether (or for that matter, agree that) the petition should have been resolved in a different manner” or that the issues were “adequate to deserve encouragement to proceed further.” *Slack v. McDaniel*, 529 U.S. 473, 484, 120 S.Ct. 1595, 1603-04, 146 L.Ed.2d 542 (2000) (citing *Barefoot v. Estelle*, 463 U.S. 880, 893 & n.4, 103 S.Ct. 3383, 3394-95 & n.4, 77 L.Ed.2d 1090 (1983)). For procedural rulings, a COA will issue only if reasonable jurists could debate whether the petition states a valid claim of the denial of a constitutional right and whether the court’s procedural ruling was correct. *Id.*

The Court finds that reasonable jurists could not debate its resolution of the claim presented in this § 2255 proceeding. For the reasons stated in the magistrate judge’s report and recommendation, the Court **DECLINES** to issue a COA with respect to any claims.

A separate order in conformity with this Memorandum Opinion will be entered contemporaneously herewith.

Done this 3<sup>rd</sup> day of November 2014.

A handwritten signature in black ink, appearing to read 'L. Scott Coogler', written in a cursive style.

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L. Scott Coogler  
United States District Judge

[160704]