

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION

JAMES A. DAVIS,)	
)	
Petitioner)	
)	
vs.)	Case No. 2:17-cv-01363-LSC-HNJ
)	
STATE OF ALABAMA,)	
)	
Respondent)	

MEMORANDUM OPINION

On March 15, 2018, the magistrate judge entered a report and recommendation and allowed the parties therein fourteen (14) days in which to file objections to the recommendations made by the magistrate judge. On March 26, 2018, petitioner filed objections to the magistrate judge’s report and recommendation.

After careful and *de novo* 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 magistrate judge’s recommendations that the court deny the petition for writ of habeas corpus.

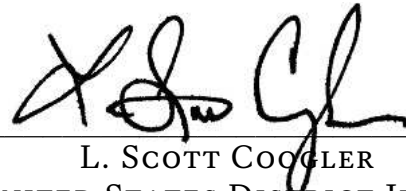
Pursuant to Rule 11 of the *Rules Governing § 2254 Cases*, the Court has evaluated the claims within the petition for suitability for the issuance of a certificate of appealability (COA). See 28 U.S.C. § 2253.

Rule 22(b) of the Federal Rules of Appellate Procedure provides that when an appeal is taken by a petitioner, the district judge who rendered the judgment “shall” either issue a COA or state the reasons why such a certificate should not issue. 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 issues were “adequate to deserve encouragement to proceed further.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000)(citing *Barefoot v. Estelle*, 463 U.S. 880, 893 & n.4 (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.

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

The Court will enter a separate order in conformity with this Memorandum Opinion.

DONE AND ORDERED ON APRIL 11, 2018.

A handwritten signature in black ink, appearing to read 'L. Scott Coogler', is written over a horizontal line.

L. SCOTT COOGLER
UNITED STATES DISTRICT JUDGE

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