

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
MIDDLE DIVISION

ELVIS RADHAMEZ MOTA	)	
SANCHEZ,	)	
	)	
Petitioner	)	
	)	
vs.	)	Case No. 4:15-cv-01623-MHH-HGD
	)	
SCOTT HASSELL, et al.,	)	
	)	
Respondents	)	

**MEMORANDUM OPINION**

On July 11, 2016, Magistrate Judge Davis filed a report and recommendation. The Clerk of Court mailed a copy of the report and recommendation to the petitioner, Mr. Sanchez, at his last known address. The mail has been returned to the court marked "RTS" with the notation "Released 9-7-15." To date, Mr. Sanchez has not informed the court of his updated address. No party has filed objections to the to the report and recommendation.

The Court ADOPTS the report of the magistrate judge, and ACCEPTS his recommendation that the § 2241 petition for writ of habeas corpus be denied.

Pursuant to Rule 11 of the *Rules Governing § 2254 Cases*,<sup>1</sup> the Court has considered the suitability of the claims within the petition for appellate review. *See* 28 U.S.C. § 2253. Rule 22(b) of the Federal Rules of Appellate Procedure provides that when a petitioner appeals, the district judge who rendered the judgment “shall” either issue a certificate of appeal (COA) or state the reasons why such a certificate should not issue. Pursuant to 28 U.S.C. § 2253(c)(2), a court may issue a COA only when the petitioner “has made a substantial showing of the denial of a constitutional right.” A petitioner can make a substantial showing 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 (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. *Id.*

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

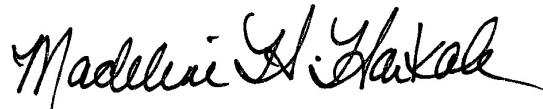
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<sup>1</sup> The *Rules Governing § 2254 Cases* are applicable to habeas corpus petitions pursuant to 28 U.S.C. § 2241. *See* Rule 1(b), *Rules Governing § 2254 Cases*.

magistrate judge's report and recommendation, the Court will not issue a COA with respect to Mr. Sanchez's claims.

The Court will enter a separate order dismissing this action.

DONE this 26th day of July, 2016.



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MADELINE HUGHES HAIKALA  
U.S. DISTRICT JUDGE