



suitability for the issuance of a certificate of appealability (COA). *See* 28 U.S.C. § 2253.

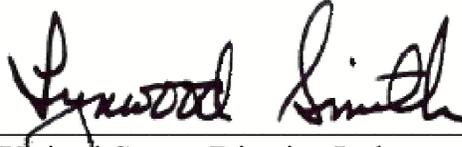
Rule 22(b) of the Federal Rules of Appellate Procedure provides that in a § 2255 proceeding, a petitioner cannot take an appeal unless a district judge issues a COA. Pursuant to 28 U.S.C. § 2253(c)(2), a COA may issue only when the petitioner “has made a substantial showing of the denial of a constitutional 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 claims 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. Petitioner is **ADVISED** that he may file an application to

proceed on appeal *in forma pauperis* and a request for certificate of appealability directly with the Court of Appeals for the Eleventh Circuit.

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

DONE this 29th day of July, 2015.

  
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United States District Judge