

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
EASTERN DIVISION**

SHERMAN RAY MEIROVITZ

PETITIONER

v.

NO. 2:13CV00085 JLH

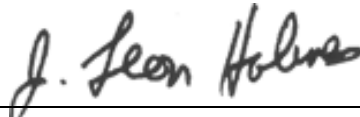
ANTHONY HAYNES, Warden,  
FCI Forrest City, Arkansas

RESPONDENT

**ORDER**

The Court has received findings and a recommendation from United States Magistrate Judge H. David Young. After a careful review of the findings and recommendation, the timely objections, and a *de novo* review of the record, the Court concludes that the findings and recommendation should be and hereby are approved and adopted as this Court's findings except in one respect. The motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2241 filed by Sherman Ray Meirovitz is dismissed. The Court will, however, issue a certificate of appealability as to the question of whether Meirovitz is entitled to relief under 28 U.S.C. § 2241. The statute provides that a certificate of appealability may issue only if the applicant has made a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(2). "A substantial showing is a showing that issues are debatable among reasonable jurists, a court could resolve the issues differently, or the issues deserve further proceedings." *Cox v. Norris*, 133 F.3d 565, 569 (8th Cir. 1997). While the undersigned agrees with Magistrate Judge Young's conclusion that, under Eighth Circuit precedent, Meirovitz is not entitled to relief, reasonable jurists could disagree. *See Brown v. Caraway*, 719 F.3d 583 (7th Cir. 2013).

IT IS SO ORDERED this 21st day of November, 2013.

  
\_\_\_\_\_  
J. LEON HOLMES  
UNITED STATES DISTRICT JUDGE