

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION

TISHAUN DEMETRI STENHOUSE

PETITIONER

vs.

Civil Case No. 5:06CV00153 HLJ

LARRY NORRIS, Director,
Arkansas Department of Correction

RESPONDENT

ORDER

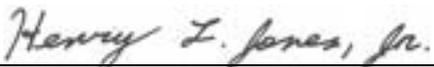
Tishaun Demetri Stenhouse petitioned for habeas corpus relief under 28 U.S.C. § 2254, and by Memorandum and Order entered on September 24, 2009, this court denied relief and dismissed the petition. He has now filed an Application for Certificate of Appealability for Proceedings under 28 U.S.C. § 2254. DE #29. A certificate of appealability (COA) "should issue if the applicant has 'made a substantial showing of the denial of a constitutional right,' 28 U.S.C. § 2253(c)(2), which we have interpreted to require that the 'petitioner must demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong.'" Tennard v. Dretke, 542 U.S. 274, 282 (2004), quoting Slack v. McDaniel, 529 U.S. 473, 483-484 (2000). To satisfy this standard, a petitioner must show

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 presented were " 'adequate to deserve encouragement to proceed further.'

Slack v. McDaniel, 529 U.S. at 484. This determination "requires an overview of the claims ... and a general assessment of their merits," but the statute prohibits full consideration of the factual or legal bases supporting the claims. Miller-El v. Cockrell, 537 U.S. 322, 336 (2003).

After careful review of the record, I find Petitioner's motion (DE #29) should be, and is hereby, granted.

SO ORDERED this 27th day of October, 2009.



United States Magistrate Judge