

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

**JONATHON EUGENE GRIFFEN
ADC #115386**

PLAINTIFF

v.

5:08-CV-00215-WRW

LARRY NORRIS

DEFENDANT

ORDER

Pending is Petitioner's Motion for Certificate of Appealability.

The standard for evaluating a certificate of appealability petition is established in 28 U.S.C. § 2253(c)(2): "A certificate of appealability may issue . . . only if the applicant has made a substantial showing of the denial of a constitutional right." The Eighth Circuit has explained that "[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."¹

Since Petitioner has not made a substantial showing of the denial of any constitutional right, the Motion for Certificate of Appealability is DENIED.

IT IS SO ORDERED this 30th day of December, 2009.

/s/ Wm. R. Wilson, Jr. _____
UNITED STATES DISTRICT JUDGE

¹*Cox v. Norris*, 133 F.3d 565, 569 (8th Cir. 1997).