

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

**ANDRE DEON McEWING**

**PETITIONER**

**v.**

**5:08-CV-00268-WRW**

**LARRY NORRIS**

**RESPONDENT**

**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."<sup>1</sup>

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 31st day of August, 2009.

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

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