

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

WILLIAM STIVERS
ADC# 139089

PETITIONER

VS.

NO. 5:09-CV-00103-SWW-BD

LARRY NORRIS, Director,
Arkansas Department of Correction

RESPONDENT

ORDER

Petitioner William Stivers commenced this habeas action pursuant to 28 U.S.C. § 2254. By order and judgment entered June 10, 2010, the Court adopted the recommended disposition entered in this case and dismissed the petition with prejudice. On July 9, 2010, Petitioner filed a notice of appeal, which the Court also treats as a motion for a certificate of appealability.

Petitioner cannot appeal the dismissal of his habeas petition unless a circuit justice or a circuit or district judge issues a certificate of appealability, and a certificate of appealability will issue only if petitioner makes a substantial showing of the denial of a constitutional right. *See* 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 484, 120 S.Ct. 1595 (2000). A “substantial showing of the denial of a constitutional right” requires a demonstration “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. 473, 484 (2000) (quoting *Barefoot v. Estelle*, 463 U.S. 880, 893 n. 4 (1983)).

For the reasons stated in the recommended disposition adopted by the Court, the Court finds that jurists of reason would not find it debatable that the petition should have been resolved

in a different manner or that the issues presented were adequate to deserve encouragement to proceed further.

IT IS THEREFORE ORDERED that Petitioner's motion for a certificate of appealability is DENIED.

IT IS SO ORDERED THIS 22nd DAY OF JULY, 2010.

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE