

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS

STACY TUBBS
ADC #113786

PETITIONER

VS.

CASE NO. 5:09CV00183 JMM

LARRY NORRIS, DIRECTOR
ARKANSAS DEPARTMENT
OF CORRECTION

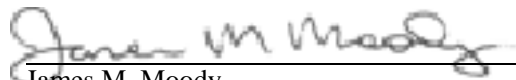
RESPONDENT

ORDER

Pending before the Court is petitioner's Motion for a Certificate of Appealability . Petitioner filed this motion and a notice of appeal to the Court of Appeals for the Eighth Circuit on February 24, 2010.

For this Court to grant a certificate of appealability, the petitioner must make a "substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2); *Winfield v. Roper*, 460 F.3d 1026 (8th Cir. 2006) . A "substantial showing" is one in which a petitioner demonstrates that his "issues are debatable among jurists of reason; that a court could resolve the issues [in a different manner]; or that the questions are adequate to deserve encouragement to proceed further.'" *Randolph v. Kemna*, 276 F.3d 401, 402 n.1 (8th Cir. 2002) (citing *Barefoot v. Estelle*, 463 U.S. 880, 893 (1983)). Petitioner has failed to make a substantial showing of the denial of any constitutional right and his Motion for Certificate of Appealability is denied (#17).

IT IS SO ORDERED this 25 day of February, 2010.



James M. Moody
United States District Judge