

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

WILLIE J. CARTWRIGHT

PLAINTIFF

V.

CASE NO. 5:09CV00208

LARRY NORRIS

RESPONDENT

ORDER

Petitioner Willie J. Cartwright's motions for a certificate of appealability ("COA") and leave of the court to appeal *in forma pauperis* ("IFP") (Doc. No. 20) are denied.

The magistrate judge's recommended disposition was adopted on March 12, 2010, and Cartwright's petition for writ of habeas corpus was dismissed. On March 26, 2010, petitioner filed this motion for COA and to proceed IFP (Doc. No. 20).

The Antiterrorism and Effective Death Penalty Act ("AEDPA") provides that an appeal from the dismissal of a habeas action cannot be taken unless the trial court or the court of appeals grants the prisoner a COA. 28 U.S.C. § 2253(c)(1). A COA will issue only when an applicant has "made a substantial showing of the denial of a constitutional right." *Winfield v. Roper*, 460 F.3d 1026, 1040 (8th Cir. 2006) (quoting 28 U.S.C. § 2253(c)(2)). Furthermore, the petitioner must demonstrate that "a reasonable jurist" would find the court's disposition of the constitutional claims or procedural rulings "debatable or wrong." *See Tennard v. Dretke*, 542 U.S. 274, 276 (2004); *see also Khaimov v. Crist*, 297 F.3d 783, 785 (8th Cir. 2002). Finally, if a certificate of appealability is granted, the order must "indicate which specific issue or issues" may be challenged on appeal. 28 U.S.C. § 2253(c)(3).

Based upon well-established and controlling precedent, it is concluded that reasonable jurists would not find the court's rulings to be debatable or wrong. Accordingly, Cartwright's motion for a COA is denied. If Cartwright wishes to appeal dismissal of his habeas action, he must obtain a COA from the Eighth Circuit Court of Appeals pursuant to 28 U.S.C. § 2253(c)(1).

Accordingly, Cartwright's motion for a certificate of appealability (Doc. No. 20) is denied. In addition, petitioner's motion for *in forma pauperis* is denied.

IT IS SO ORDERED this 13th day of April, 2010.


UNITED STATES DISTRICT JUDGE