

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

ROY LEE RUSSELL
ADC #087075

PETITIONER

v.

No. 5:16-cv-188-DPM


WENDY KELLEY, Director,
Arkansas Department of Correction

RESPONDENT

ORDER

Motion, *No* 34, denied. Nothing in Russell's new paper warrants relief from the Judgment. The Court will, however, add one further supplement to its 15 June 2018 Order: to the extent Russell claimed that his trial lawyer was ineffective for not preserving the sufficiency argument, that claim fails. *No* 1-1 at 35-40. The Arkansas Supreme Court's resolution of that claim wasn't contrary to, or an unreasonable application of, clearly established federal law. *No* 11-6 at 8. And because reasonable jurists wouldn't disagree about that point, the claim doesn't warrant a certificate of appealability. *Slack v. McDaniel*, 529 U.S. 473, 483-84 (2000).

So Ordered.



D.P. Marshall Jr.
United States District Judge



13 August 2018