

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

RAYMOND DAVID LEACH III

PETITIONER

v.

No. 2:16-CV-02023

DIRECTOR WENDY KELLEY,
Arkansas Department of Correction

RESPONDENT

ORDER

This matter is on limited remand by order (Doc. 73) of the United States Court of Appeals for the Eighth Circuit. On remand, the Court is to consider in the first instance whether a certificate of appealability should issue with respect to any issue or issues involved with this Court's denial of Petitioner's petition for a writ of habeas corpus.

A certificate of appealability may issue 'only if the applicant has made a substantial showing of the denial of a constitutional right.' [28 U.S.C.] § 2253(c)(2). That standard is met when 'reasonable jurists could debate whether (or, for that matter, agree that) the petition should have been resolved in a different manner.' *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

Welch v. United States, --U.S.--, 136 S.Ct. 1257, 1263 (2016).

The Court does not believe that reasonable jurists could debate whether the petition should have been resolved in a different manner. No certificate of appealability should issue.

IT IS SO ORDERED this 8th day of August, 2018.

/s/ P. K. Holmes, III

P.K. HOLMES, III
CHIEF U.S. DISTRICT JUDGE