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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

TERRENCE WATKINS,

Plaintiff,

vs.

STU SHERMAN,

Defendant.

CASE NO. 14-cv-260-LAB-BGS

**ORDER DENYING CERTIFICATE OF
APPEALABILITY**

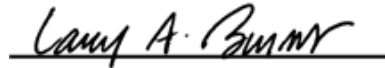
Watkins filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. (Docket no. 1.) Magistrate Judge Skomal issued a report and recommendation on Watkins' Petition, recommending that it be denied. (Docket no. 14.) The Court adopted the report and recommendation. (Docket no. 18.)

A certificate of appealability must be obtained by a petitioner in order to pursue an appeal from a final order in a Section 2254 habeas corpus proceeding. See 28 U.S.C. § 2253(c)(1)(A); Fed R. App. P. 22(b). Pursuant to Rule 11 of the Federal Rules Governing Section 2254 Cases, "[t]he district court must issue or deny a certificate of appealability when it enters a final order adverse to the applicant." A certificate of appealability should be issued only where the petition presents "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). It must appear that reasonable jurists could find the district court's assessment of the petitioner's constitutional claims debatable or wrong. *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

1 In this case, the Court finds that Petitioner did not make a substantial showing of the
2 denial of a constitutional right, the issues are not debatable among jurists of reason, and a
3 court could not resolve the issues in a different manner. See *Miller–El v. Cockrell*, 537 U.S.
4 322, 327 (2003). The Court **DENIES** a certificate of appealability.

5 **IT IS SO ORDERED.**

6 DATED: July 22, 2015

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8 **HONORABLE LARRY ALAN BURNS**
9 United States District Judge

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