

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

MILTON ROMAN,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Civil No. 3:13cv432 (JBA)

September 21, 2015

SUPPLEMENT TO RULING

On February 24, 2015, this Court denied [Doc. # 32] Petitioner Milton Roman's Petition to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255. That Ruling, however, omitted a discussion of whether or not to issue Mr. Roman a certificate of appealability. The Court issues this Supplement to Ruling to address that issue.

Under 28 U.S.C. § 2253(c)(2), "a certificate of appealability may issue . . . only if the applicant has made a substantial showing of the denial of a constitutional right." *Id.* In order to sustain this burden, Petitioner would have to show "that reasonable jurists could debate whether . . . the petition should have been resolved in a different manner or that the issues presented were adequate to deserve encouragement to proceed further." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (internal quotation marks and citations omitted).

"Where a district court has rejected [a petitioner's] claim[] on the merits, the showing required to satisfy § 2253(c) is straightforward: The petitioner must demonstrate that reasonable jurists would find the district court's assessment of the constitutional claim[] debatable or wrong." *Id.* Here, the Court does not find that reasonable jurists

could disagree on whether Mr. Roman’s claims are “adequate to deserve encouragement to proceed further,” *Slack*, 579 U.S. at 484, and therefore declines to issue a COA.

IT IS SO ORDERED.

 /s/
Janet Bond Arterton, U.S.D.J.

Dated at New Haven, Connecticut this 21st day of September, 2015.