

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

JULIAN AROCHO,

Petitioner,

v.

Case No.: 2:16-cv-910-FtM-38MRM

SECRETARY, DOC and FLORIDA
ATTORNEY GENERAL,

Respondents.

OPINION AND ORDER¹

Before the Court is Petitioner Julian Arocho's Motion for a Certificate of Appealability ([Doc. 20](#)) filed on July 15, 2019. Petitioner is not entitled to a certificate of appealability. A prisoner seeking a writ of habeas corpus has no absolute entitlement to appeal a district court's denial of his petition. [28 U.S.C. § 2253\(c\)\(1\)](#). Rather, a district court must first issue a certificate of appealability ("COA"). "A [COA] may issue . . . only if the applicant has made a substantial showing of the denial of a constitutional right." [28 U.S.C. § 2253\(c\)\(2\)](#). To make such a showing, Petitioner must demonstrate that "reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong," [Tennard v. Dretke, 542 U.S. 274, 282 \(2004\)](#) (quoting [Slack v.](#)

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[McDaniel, 529 U.S. 473, 484 \(2000\)](#)), or that “the issues presented were ‘adequate to deserve encouragement to proceed further.’” [Miller–El v. Cockrell, 537 U.S. 322, 335–36 \(2003\)](#). Petitioner has not made the requisite showing in these circumstances.

Accordingly, it is now

ORDERED:

Petitioner Julian Arocho’s Motion for a Certificate of Appealability ([Doc. 20](#)) is

DENIED.

DONE and **ORDERED** in Fort Myers, Florida this 17th day of July 2019.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

SA: FTMP-2

Copies: All Parties of Record