

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

CARL KEVIN MARTIN

v.

Case No. 8:07-cr-48-T-24-TBM  
8:12-cv-357-T-24-TBM

UNITED STATES OF AMERICA

Related Case No.: 8:10-cv-16-T-24-TBM

**ORDER**

This cause comes before the Court on Petitioner Martin's Construed Motion for a Certificate of Appealability ("COA"). (CV Doc. No. 6). Petitioner seeks a COA relating to this Court's denial of his § 2255 motion.

A prisoner pursuing a motion to vacate has no absolute entitlement to appeal a district court's denial of his motion. 28 U.S.C. § 2253(c)(1). Rather, a district court must first issue a COA. *Id.* "A [COA] may issue . . . only if the applicant has made a substantial showing of the denial of a constitutional right." *Id.* at § 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. 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) (quoting *Barefoot v. Estelle*, 463 U.S. 880, 893 n. 4 (1983)). Petitioner has not made the requisite showing in these circumstances.

Accordingly, it is ORDERED AND ADJUDGED that Petitioner's construed motion for a COA (CV Doc. No. 6) is **DENIED**.

**DONE AND ORDERED** at Tampa, Florida, this 11th day of April, 2012.

Copies to:  
All Parties and Counsel of Record

  
SUSAN C. BUCKLEW  
United States District Judge