

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

JIMMY L. CRUZ,

Petitioner,

-vs-

Case No. 8:13-cv-763-T-30TBM

DAVID GEE, SHERIFF,  
HILLSBOROUGH COUNTY, FLORIDA,

Respondent.

\_\_\_\_\_ /

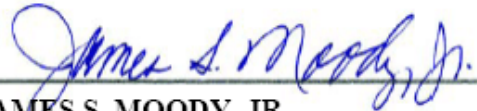
**ORDER**

Before the Court is Petitioner's application for a certificate of appealability (Dkt. 6). "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). 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 a substantial showing of the denial of a constitutional right.

Accordingly, the Court **ORDERS** that Petitioner's application for a certificate of appealability (Dkt. 6) is **DENIED**. Because Petitioner is not entitled to a certificate of appealability, he is not entitled to appeal *in forma pauperis*.

**DONE** and **ORDERED** in Tampa, Florida on April 11, 2013.

  
\_\_\_\_\_  
**JAMES S. MOODY, JR.**  
**UNITED STATES DISTRICT JUDGE**

SA:sfc

Copy to: Petitioner *pro se*