

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

ADRIAN R. WALLIS,

Petitioner,

v.

CASE NO. 3:07cv440-SPM/WCS

WALTER A. MCNEIL,

Respondent.

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ORDER DENYING MOTION FOR CERTIFICATE OF APPEALABILITY

This cause comes before the Court on Petitioner's Memorandum/Brief in Support of His Request for a Certificate of Appealability. Doc. 37. A petitioner seeking a certificate of appealability must make a "substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). This standard is met if the petitioner can show that reasonable jurists could differ as to the resolution of the case or if the issues have sufficient merit to deserve encouragement to appeal. Slack v. McDaniel, 529 U.S. 473, 484 (2000).

The resolution of this case is not debatable and the issues do not deserve encouragement to appeal. The state court's denial of post-conviction relief was not based on an unreasonable determination of the facts. The denial was not contrary to, or based upon an unreasonable application of, clearly established

Federal law as determined by the United States Supreme Court. Accordingly, it is

ORDERED AND ADJUDGED: Petitioner's request for certificate of appealability (doc. 37) is denied.

DONE AND ORDERED this 2nd day of September, 2009.

s/ Stephan P. Mickle

Stephan P. Mickle
Chief United States District Judge