Bofinger v. Nelson Doc. 63

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

JAMES G. BOFINGER,	:	
Petitioner	:	
VS.	:	NO. 5:06-cv-108 (HL)
Warden CYNTHIA NELSON, *et al.*,	:	
Respondents	:	**O R D E R**

Before the Court is petitioner **JAMES G. BOFINGER'S** motion for a Certificate of Appealability ("COA"). Petitioner seeks to appeal the judgment of this Court denying his application for habeas relief under 28 U.S.C. § 2254. Under section 2253(c)(2), a COA may issue only if the applicant makes " a substantial showing of the denial of a constitutional right." This requires a petitioner to demonstrate that "reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong." ***See also Slack v. McDaniel***, 529 U.S. 473, 478 (2000). The Court finds reasonable jurists could not find that a dismissal of petitioner's claims was debatable or wrong. Accordingly, it is hereby **ORDERED** that petitioner's application for a COA be **DENIED**.

It is further **ORDERED** that petitioner's motion to proceed IFP on appeal be **DENIED AS MOOT**.

SO ORDERED, this 1st day of April, 2009.

s/ Hugh Lawson
HUGH LAWSON
UNITED STATES DISTRICT JUDGE

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