

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
THOMASVILLE DIVISION**

RICHARD JAMES LAMONS,	:	
	:	
Petitioner/Appellant,	:	
	:	
vs.	:	Civil Action No. 6:05-cv-9 (HL)
	:	
ROSE WILLIAMS, Warden,	:	
	:	
	:	
Respondent.	:	

ORDER

Petitioner filed a petition seeking habeas corpus relief under 28 U.S.C. § 2254 (2000) on February 16, 2005. On November 10, 2005, this Court entered an order denying all relief.

Petitioner now seeks to appeal *in forma pauperis*, the denial of his petition and requests this Court to issue a certificate of appealability. “In a habeas corpus proceeding. . .the applicant cannot take an appeal unless a circuit justice or a circuit or district judge issues a certificate of appealability under 28 U.S.C. § 2253(c).” FED. R. CRIM. P. 22(b).

Pursuant to 28 U.S.C. § 2253(c)(2) (2000), “a certificate of appealability may issue. . .only if the applicant has made a substantial showing of the denial of a constitutional right.” To merit a certificate of appealability, appellant must show that reasonable jurists would find debatable both (1) the merits of an underlying claim and (2) the procedural issues he seeks to raise. See 28 U.S.C. § 2253(c)(2) (2000); Slack v. McDaniel, 529 U.S. 473 (2000).

For the reasons stated in the Magistrate Judge's Recommendation and the aforesaid Order accepting the same, the Court finds that Petitioner has not made a substantial showing of the denial of a constitutional right by demonstrating that "jurists of reason could disagree with the district court's resolution of his constitutional claims or that jurists could conclude the issues presented are adequate to deserve encouragement to proceed further." Miller-El v. Cockrell, 537 U.S. 322, 327 (2003), (citing Slack v. McDaniel, 529 U.S. 473, 484 (2000)). Accordingly, the application for a certificate of appealability is **DENIED**.

Appellant's motions for leave to proceed on appeal *in forma pauperis* and for transcripts at government expense are **DENIED AS MOOT**.

SO ORDERED, this 9th day of January, 2006.

s/ Hugh Lawson _____
HUGH LAWSON, JUDGE

mh