

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

MICHAEL ISAACS,	:	
	:	
Petitioner	:	
	:	
vs.	:	CIVIL NO. 7:13-CV-0127-HL-TQL
	:	
UNITED STATES MARSHALS,	:	
	:	
Respondent	:	

ORDER

Petitioner Michael Isaacs, a federal detainee, seeks to appeal this Court’s Order dismissing his application for habeas relief under 28 U.S.C. § 2241 and has filed a Motion for Leave to Proceed *in forma pauperis* on Appeal (Doc. 11). A prisoner seeking a writ of habeas corpus has no absolute entitlement to appeal a district court’s dismissal of his petition. 28 U.S.C. § 2253(c)(1). The district court must first issue the petitioner a certificate of appealability (“COA”). See *id.*; see also Sawyer v. Holder, 326 F.3d 1363, 1364 n. 3 (11th Cir. 2003) (“Based on the statutory language of 28 U.S.C. § 2253(c)(1), state prisoners proceeding under § 2241 must obtain a COA to appeal.”).

“A [COA] may issue . . . only if the applicant has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(1). To merit a COA, Petitioner must show that reasonable jurists would find debatable both (1) the merits of the underlying claim and (2) the procedural issues he seeks to raise. 28 U.S.C. § 2253(c)(2); Slack v. McDaniel, 529 U.S. 473, 483-84 (2000) (explaining how to satisfy this showing) (citation omitted). Petitioner has not made such a showing here. The Court thus **DENIES** Petitioner a COA. See Alexander v.

Johnson, 211 F.3d 895, 898 (5th Cir. 2000) (approving denial of COA before movant filed a notice of appeal). For this reason, his Motion to Appeal *in forma pauperis* is moot and shall also be **DENIED**.

SO ORDERED, this 17th day of December, 2013.

s/ Hugh Lawson
HUGH LAWSON, JUDGE
UNITED STATES DISTRICT COURT

jlr