

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
DUBLIN DIVISION

FILED
U.S. DISTRICT COURT
AUGUSTA DIV.
2017 SEP 26 P 4: 11
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S.D. DIST. OF GA.

JOSE ANTONIO FUENTES-SANCHEZ,)
)
Petitioner,)
)
v.) CV 317-036
)
VANCE LAUGHLIN, Warden,)
)
Respondent.)

ORDER

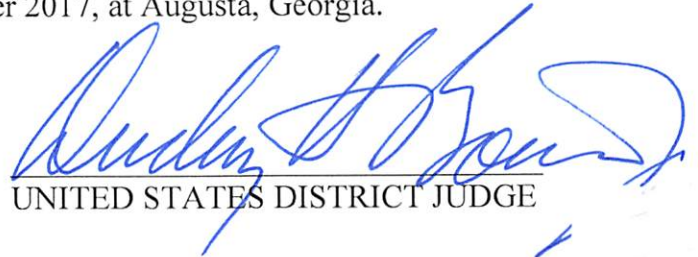
After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge’s Report and Recommendation, to which no objections have been filed. Accordingly, the Court **ADOPTS** the Report and Recommendation of the Magistrate Judge as its opinion and **DISMISSES** this case filed pursuant to 28 U.S.C. § 2241 for lack of jurisdiction.

Further, a state prisoner seeking relief under § 2241 must obtain a certificate of appealability (“COA”) before appealing the denial of his application for a writ of habeas corpus. See *Sawyer v. Holder*, 326 F.3d 1363, 1364 n.3 (11th Cir. 2003) (“[S]tate prisoners proceeding under § 2241 must obtain a COA to appeal.”) This Court should grant a COA only if the prisoner makes a “substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). For the reasons set forth in the Report and Recommendation, and in consideration of the standards enunciated in *Slack v. McDaniel*, 529 U.S. 473, 482-84 (2000), Petitioner has failed to make the requisite showing. Accordingly, the Court **DENIES**

a COA in this case. Moreover, because there are no non-frivolous issues to raise on appeal, an appeal would not be taken in good faith, and Petitioner is not entitled to appeal *in forma pauperis*. See 28 U.S.C. § 1915(a)(3).

Upon the foregoing, the Court ~~Closes~~ **CLOSES** this civil action.

SO ORDERED this 26th day of September 2017, at Augusta, Georgia.


UNITED STATES DISTRICT JUDGE