

IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF GEORGIA U. S. DISTRICT COURT  
SAVANNAH DIVISION Southern District of Ga.  
Filed in Office

DARREN DAVID RIGGS, )  
)  
Petitioner, )  
)  
v. )  
)  
WARDEN - WARE STATE PRISON, )  
)  
Respondent. )  
)  
\_\_\_\_\_ )

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Deputy Clerk

CASE NO. CV415-057

O R D E R

This case was returned to this Court on a limited remand from the Eleventh Circuit Court of Appeals to determine whether a Certificate of Appealability ("COA") is "appropriate for any of the issues appellant seeks to raise on appeal." (Doc. 17 at 3.) It appears that the Eleventh Circuit is under the misapprehension<sup>1</sup> that when adopting the Magistrate Judge's Report and Recommendation, this Court "did not address whether [Petitioner] was entitled to a COA." (Id.) However, this Court adopted the totality of the report and recommendation (Doc. 7), which included the recommendation<sup>2</sup> that no COA should issue (Doc. 3 at 11).

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<sup>1</sup> Mistakes are not common on Mount Olympus, but they do occur on occasion.

<sup>2</sup> Oddly, the Eleventh Circuit recognizes both that the Magistrate Judge recommended the denial of a COA (Doc. 17 at 2) and that this Court adopted the Report and Recommendation (id. at 3). For some inexplicable reason, however, the Eleventh Circuit failed to recognize the

Nevertheless, this Court always endeavors to make its parent court's job as easy as possible. Therefore, the Court will expressly state in this and future orders whether it is denying a COA, despite adopting a recommendation to the same. In this case, any request for a COA is **DENIED** because Petitioner has not "made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c). Should there be any doubt, any request for in forma pauperis states of appeal is **DISMISSED AS MOOT** based on the Court's denial of a COA.

SO ORDERED this 30<sup>th</sup> day of January 2016.



WILLIAM T. MOORE, JR.  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA

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simple syllogism that an adoption of the Report and Recommendation is also the denial of a COA. Naysayers beware, it appears the Twelfth of Never has arrived.