

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
STATESBORO DIVISION

JAMES LYNN,

Petitioner,

v. 6:13-cv-14

GLEN JOHNSON, Warden

Respondent.

**ORDER**

Before the Court is James Lynn's motion for certificate of appealability ("COA"). ECF No. 15. Despite reciting the correct legal standard for granting a COA, Lynn fails to make the requisite showing. His motion is **DENIED**.

As Lynn notes, "[b]efore an appeal may be entertained, a prisoner who was denied habeas relief in the district court must first seek and obtain a COA. . . ." *Miller-El v. Cockrell*, 537 U.S. 322, 335-36 (2003); *see* 28 U.S.C. § 2253(c). The Court will issue a COA "where a petitioner has made a substantial showing of the denial of a constitutional right." *Miller-El*, 537 U.S. at 336; *see also* 28 U.S.C. § 2253(c)(2). Petitioners "must show that reasonable jurists could debate whether (or, for that matter, agree that) the petition should have been resolved in a different manner or that the issues presented were adequate to deserve encouragement to proceed further." *Id.* (internal quotations omitted).

When the district court denies a habeas petition on procedural grounds without reaching the

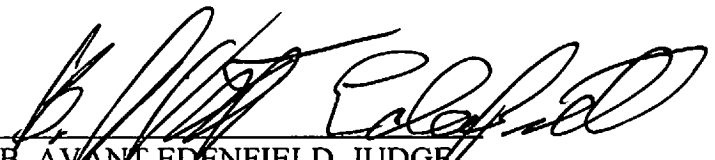
prisoner's underlying constitutional claim, a COA should issue when the prisoner shows, at least, that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right *and* that jurists of reason would find it debatable whether the district court was correct in its procedural ruling.

*Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (emphasis added).

This Court dismissed Lynn's habeas petition because he procedurally defaulted four of his claims and the fifth was not cognizable in a habeas petition. *See* ECF No. 9. Lynn makes no attempt to argue the Court erred in coming to those conclusions other than to recite in conclusory fashion that he has "made a substantial showing of the denial of a constitutional right." ECF No. 15 at 5. He does not dispute the Court's analysis of why Lynn procedurally defaulted claims 1-4 in his petition. Or why Lynn's access to legal materials claim cannot be brought in a habeas petition.

Because Lynn makes no showing, much less a substantial showing, his request for a COA is **DENIED**.

This ~~29~~<sup>29</sup> day of July 2013.

  
B. AVANT EDENFIELD, JUDGE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA