


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

D'Angelo has not made the requisite showing. The Court denied his § 2254 petition because D'Angelo (1) failed to exhaust state court remedies for some claims, *see* ECF No. 8 at 12; (2) procedurally defaulted others, *see id.* at 15-18; and (3) failed to state a claim on yet others, *see id.* at 19. No reasonable jurist could disagree that D'Angelo failed to seek a certificate of appealability from the Georgia Supreme Court after the state habeas court's denial of some claims. Nor could one disagree that D'Angelo simply failed to raise some issues when he first had the chance at trial. And finally, no reasonable jurist could disagree that D'Angelo's claims attacking the state habeas proceedings fail to state a claim. *See* 28 U.S.C. § 2254(a) (allowing challenges to state court convictions and sentences for violations of the Constitution or laws of the United States); *Quince v. Crosby*, 360 F.3d 1259, 1262 (11th Cir. 2004) (holding that "an alleged defect in a [state] collateral proceeding does not state a basis for habeas relief).

Because D'Angelo fails to show that "jurists of reason would find it debatable whether" the Court's dismissal on procedural grounds was correct, the Court **DENIES** D'Angelo's construed motion for a certificate of appealability. *Slack*, 529 U.S. at 484.

The 11 day of December, 2013


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