

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

JOHN ERNEST DADE

Plaintiff,

v.

UNITED STATES OF AMERICA

Defendant.

Case No. 4:16-CV-224-BLW

(Criminal Case 4:01-cr-196-BLW)

**CERTIFICATE OF
APPEALABILITY**

Petitioner seeks to amend the Court’s earlier decision to include a Certificate of Appealability. Habeas Rule 11(a) states that this Court “must issue or deny a certificate of appealability (COA) when it enters a final order adverse to the applicant.” A COA may issue only if the applicant makes a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(2). Under this standard, a petitioner must show that reasonable jurists could debate whether the petition should have been resolved in a different manner or that the issues presented were adequate to deserve encouragement to proceed further. *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

Here, that standard has been met with regard to the Court’s Memorandum and Decision (docket no. 125), which is being appealed by the petitioner. Accordingly,

NOW THEREFORE IT IS HEREBY ORDERED, that the motion to amend (docket no. 127) is GRANTED, and that the Memorandum Decision and Order (docket no. 125) be AMENDED to include this Certificate of Appealability that is GRANTED as

to all issues contained in the Court's decision in its Memorandum Decision and Order (docket no. 125).



DATED: February 28, 2019

A handwritten signature in black ink that reads "B. Lynn Winmill". The signature is written in a cursive style and is positioned above a horizontal line.

B. Lynn Winmill
Chief Judge
United States District Court