

**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
SPRINGFIELD DIVISION**

KEITH HALLIBURTON,)	
)	
Plaintiff,)	
)	Case No. 17-cr-20028
v.)	Case No. 20-cv-02232
)	
UNITED STATES OF AMERICA,)	
)	
Defendants.)	

OPINION AND ORDER

SUE E. MYERSCOUGH, U.S. District Judge:

On November 4, 2021, the Court entered an Opinion in which it denied Defendant Keith Halliburton’s Motion to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody pursuant to 28 U.S.C. § 2255 (d/e 87). Op. on Mot. (d/e 93). In that opinion, this Court held that Defendant had not shown that his pre-trial counsel’s performance was deficient under the familiar standard set out in Strickland v. Washington, 466 U.S. 668, 694 (1984). While this Court denied Defendant’s motion, it did not decide whether to issue or deny a certificate of appealability in its opinion.

Rule 11(a) of the Rules Governing Section 2255 Cases requires the Court to issue or deny a certificate of appealability when it

enters a final order adverse to a petitioner. To obtain a certificate of appealability, the petitioner-defendant must make a “substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c). For such a showing to exist, reasonable jurists must be able to “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.” Slack v. McDaniel, 529 U.S. 473, 484 (2000) (internal quotation marks omitted). The Court now finds, for the reasons stated in its previous Opinion (d/e 93) that Defendant has not made a substantial showing of the denial of a constitutional right. Therefore, the Court declines to issue Petitioner a certificate of appealability.

IT IS SO ORDERED.

ENTERED: January 26, 2022

FOR THE COURT:

/s/ Sue E. Myerscough
SUE E. MYERSCOUGH
UNITED STATES DISTRICT JUDGE