

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

LATASHIA PORTER,)	
)	
Petitioner,)	
)	
v.)	No. 09 C 5921
)	
CAROLYN TRANCOSO,)	
)	
Respondent.)	

STATEMENT AS TO CERTIFICATE OF APPEALABILITY

Latashia Porter ("Porter") has filed a notice of appeal from this Court's August 31, 2010 memorandum opinion and order ("Opinion") that denied Porter's 28 U.S.C. §2254¹ Petition for Writ of Habeas Corpus ("Petition") and dismissed both the Petition and this action. Fed. R. App. P. 22(b) requires this Court either to issue a certificate of appealability or to state the reasons why such a certificate should not issue.

As this Court's Opinion held, the Illinois Appellate Court complied meticulously with the requirements of Strickland v. Washington, 466 U.S. 668 (1984) by its detailed analysis demonstrating that Porter had not shown she was prejudiced by the mistakes made by her trial counsel. That determination met directly the standard set out in Strickland, 466 U.S. at 694 (quoted by the Appellate Court) that there was "no reasonable probability that, but for counsel's unprofessional errors, the

¹ All further references to Title 28's provisions will simply take the form "Section--."

result of the proceeding would have been different.”

That being the case, Porter did not bring herself within either Section 2254(d)(1) or Section 2254(d)(2). Accordingly Porter failed to make a substantial showing of the denial of a constitutional right (see Section 2253(c)(2)), and this Court determines that a certificate of appealability should not issue.



Milton I. Shadur
Senior United States District Judge

Date: October 1, 2010