

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

ANTON D. HUGHES,
Petitioner,

v.

No. 3:17-cv-00232-DRH

UNITED STATES OF AMERICA,
Defendant.

ORDER

HERNDON, District Judge:

Before the Court is a sua sponte case management order. On June 21, 2017, the Court entered an order and judgment dismissing petitioner Anton Hughes' pro se 28 U.S.C. § 2255 petition, but did not deny a certificate of appealability (Doc. 9). Pursuant to Rule 11(a) of the Rules Governing § 2255 Proceedings, this Court **DENIES** a certificate of appealability in this case.

As in the instant case, “[w]hen the district court denies a habeas petition on procedural grounds without reaching the prisoner’s underlying constitutional claim,” a certificate of appealability should be issued *only when the prisoner demonstrates*: (1) “jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right,” *and*, (2) 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); *Flores-Ramirez v. Foster*, 811 F.3d 861, 865 (7th 2016).

This Court concludes that jurists of reason would not find it debatable whether Hughes' motion states a valid claim of the denial of a constitutional right; and also concludes that jurists of reason would not find it debatable whether this Court correctly found that Hughes' defense counsel could make no sustainable objection to the issue Hughes attempted to raise in his § 2255 petition. Accordingly, the Court **DECLINES** to issue Hughes a certificate of appealability.

IT IS SO ORDERED.

Signed this 26th day of June, 2017.

 Digitally signed by
Judge David R. Herndon
Date: 2017.06.26
16:00:51 -05'00'



UNITED STATES DISTRICT JUDGE