

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE**

JOHN HENSLEY

PETITIONER

V.

Civil Action No. 3:07CV-P-00028-S

30TH JUDICIAL CIRCUIT OF KENTUCKY

and

JOHN MOTLEY, WARDEN

RESPONDENTS

ORDER

For the reasons set forth in the memorandum opinion accompanying this Order, **IT IS HEREBY ORDERED** that Mr. Hensley's petition for habeas relief pursuant to 28 U.S.C. § 2254 is hereby **DENIED**.

The court may issue a certificate of appealability only if Mr. Hensley " has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). Under this standard, Mr. Hensley must demonstrate that reasonable jurists would find the court's assessment of his claims debatable or wrong. *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

In this matter, existing Supreme Court precedent applied to Mr. Hensley's circumstances clearly establishes that Mr. Hensley's rights under the IAD were not violated and, even if they were, his claim is not appropriate for habeas relief. *See Fex v. Michigan*, 507 U.S. 43 (1993) and *Reed v. Farley*, 512 U.S. 339 (1994). The court is thus persuaded that reasonable jurists would not find debatable or wrong the correctness of the assessments made in the accompanying memorandum opinion, and therefore declines to issue a certificate of appealability.

DATE: **October 3, 2008**

cc: petitioner, pro se
Mr. John Motley, Warden
counsel of record



**Charles R. Simpson III, Judge
United States District Court**