

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

ROBERT L. WHITE

CIVIL ACTION

VERSUS

NO: 12-2906

N. BURL CAIN, WARDEN

SECTION: R(4)

ORDER AND REASONS

Before the Court is Robert White's *pro se* petition for federal *habeas corpus* relief pursuant to Title 28, United States Code, Section 2254.<sup>1</sup> The Magistrate Judge recommends that White's petition be denied and dismissed with prejudice.<sup>2</sup> The Court, having reviewed *de novo* White's petition, the record, the applicable law, the Magistrate's Report and Recommendation ("R&R"), and White's objection to the R&R,<sup>3</sup> approves the R&R and adopts it as its opinion.

Rule 11(a) of the Rules Governing Section 2254 Proceedings provides that "[t]he district court must issue or deny a certificate of appealability when it enters a final order adverse to the applicant." A court may only issue a certificate of appealability if the petitioner makes "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). The "controlling standard" for a certificate of appealability

---

<sup>1</sup> R. Doc. 3.

<sup>2</sup> R. Doc. 16.

<sup>3</sup> R. Doc. 17.

requires the petitioner to show "that reasonable jurists could debate whether (or, for that matter, agree that) the petition should have been resolved in a different manner or that the issues presented [are] adequate to deserve encouragement to proceed further." *Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003) (quoting *Slack v. McDaniel*, 529 U.S. 473, 484 (2000)) (quotation marks removed).

The Court concludes that White's petition fails to satisfy this standard. Accordingly, the Court will not issue a certificate of appealability.

For the foregoing reasons, the Court DENIES White's petition for *habeas corpus* and DENIES a certificate of appealability.

New Orleans, Louisiana, this 7th day of July, 2014.

A handwritten signature in black ink that reads "Sarah S. Vance". The signature is written in a cursive style and is positioned above a horizontal line.

SARAH S. VANCE  
UNITED STATES DISTRICT JUDGE