

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

LANDIS DOMINO

CIVIL ACTION

VERSUS

NO: 14-870

N. BURL CAIN

SECTION: R(3)

ORDER AND REASONS

Before the Court is Landis Domino's 28 U.S.C. § 2254 petition for a writ of *habeas corpus*,¹ defendant N. Burl Cain's response,² and the Magistrate Judge's Report and Recommendation ("R&R") that Domino's petition be dismissed with prejudice.³ The Court, having reviewed *de novo* the complaint, the record, the applicable law, and the Magistrate Judge's unopposed R&R, hereby 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 requires the petitioner to show "that reasonable jurists could

¹ R. Doc. 1.

² R. Doc. 22.

³ R. Doc. 23.

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

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

New Orleans, Louisiana, this 12th day of March, 2015.

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

SARAH S. VANCE
UNITED STATES DISTRICT JUDGE