

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

HENRY W. GOLDEN, III

CIVIL ACTION

VERSUS

NO. 15-1644

KEITH COOLEY, WARDEN

SECTION "R" (3)

**ORDER**

Petitioner Henry W. Golden, III filed this petition for a writ of *habeas corpus* pursuant to 28 U.S.C. § 2254. The Court has reviewed *de novo* the petition,<sup>1</sup> the record, the applicable law, and the Magistrate Judge's Report and Recommendation.<sup>2</sup> The Magistrate Judge's recommended ruling is correct and petitioner has not objected to the Report and Recommendation. Accordingly, the Court adopts the Magistrate Judge's Report and Recommendation as its opinion herein.

Furthermore, Rule 11 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. Before entering the final order, the court may direct the parties to submit arguments on whether a certificate should issue." Rules Governing Section 2254

---

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

<sup>2</sup> R. Doc. 18.

Proceedings, Rule 11(a). A court may issue a certificate of appealability only if the petitioner makes “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2); Rules Governing Section 2254 Proceedings, Rule 11(a) (noting that § 2253(c)(2) supplies the controlling standard). In *Miller-El v. Cockrell*, 537 U.S. 322 (2003), the Supreme Court held that the “controlling standard” for a certificate of appealability 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.’” *Id.* at 336. Petitioner has failed to meet these standards.

IT IS ORDERED that Golden’s petition for *habeas corpus* is DISMISSED WITH PREJUDICE.

New Orleans, Louisiana, this 28th day of October, 2016.

  
-----  
SARAH S. VANCE  
UNITED STATES DISTRICT JUDGE