

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

GLENN LEO WILLIAMS

CIVIL ACTION

VERSUS

NO. 15-3565

BURL CAIN

SECTION "R" (3)

**ORDER**

The Court has reviewed *de novo* the petition for *habeas corpus*,<sup>1</sup> the record, the applicable law, the Magistrate Judge's Report and Recommendation,<sup>2</sup> and the petitioner's objections.<sup>3</sup> The Magistrate Judge's recommended ruling is correct, and petitioner's objections were fully addressed by the Magistrate Judge's Report and Recommendation or are otherwise without merit.<sup>4</sup> Accordingly, the Court adopts the Magistrate Judge's Report and Recommendation as its opinion herein.

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<sup>1</sup> R. Doc. 4.

<sup>2</sup> R. Doc. 15.

<sup>3</sup> R. Doc. 16.

<sup>4</sup> Petitioner argues that the Magistrate Judge erred in deferring to the state court's decision rejecting petitioner's ineffective assistance of counsel claim. Petitioner contends that the Court can conduct a complete review of his claims, citing *Lockhart v. Fretwell*, 506 U.S. 364 (1993). This objection is meritless. *Fretwell* was decided before the passage of the Antiterrorism and Effective Death Penalty Act of 1996 and therefore does not reflect the current standard of review in habeas proceedings. *See* 28 U.S.C. § 2254(d).

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 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). 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.’” *Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003).

Here, petitioner has not made a substantial showing of a denial of a constitutional right. The Magistrate Judge’s Report and Recommendation clearly and correctly disposes of each of petitioner’s claims.

IT IS ORDERED that the petition for *habeas corpus* is DISMISSED WITH PREJUDICE. The Court will not issue a certificate of appealability.

New Orleans, Louisiana, this 14<sup>th</sup> day of August, 2017.

  
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SARAH S. VANCE  
UNITED STATES DISTRICT JUDGE