

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

JAMAL WALKER

CIVIL ACTION

VERSUS

NO. 15-6809

DARREL VANNOY

SECTION "R" (1)

ORDER AND REASONS

Pro se litigant Jamal Walker petitions the Court for habeas corpus relief under 28 U.S.C. § 2254.¹ In a previous order, the Court granted Walker's request to delete an unexhausted claim and deferred ruling on Walker's motion to amend his petition to add additional claims.² The Magistrate Judge recommends that Walker's motion for leave to amend his petition be denied, and that his petition be dismissed with prejudice.³ Walker did not file objections to the Magistrate Judge's ruling. Having reviewed *de novo* the petition, the record, the applicable law, Walker's motion for leave to amend, and the Magistrate Judge's Report and Recommendation (R&R), the Court approves the R&R and adopts it as its opinion.

¹ R. Doc. 3.
² R. Doc. 17.
³ R. Doc. 21.

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 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)).

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

For the foregoing reasons, the Court DENIES Walker’s motion for leave to amend his petition for habeas corpus and DENIES the petition with prejudice.

New Orleans, Louisiana, this 29th day of December, 2016.



SARAH S. VANCE
UNITED STATES DISTRICT JUDGE