

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

OTIS MERRIT

CIVIL ACTION

VERSUS

NO. 16-15651

ROBERT TANNER, WARDEN

SECTION "F" (4)

CERTIFICATE OF APPEALABILITY

Having separately issued a final order in connection with the captioned habeas corpus proceeding, in which the detention complained of arises out of process issued by a state court, the Court, after considering the record and the requirements of 28 U.S.C. § 2253 and Fed. R. App. P. 22(b), hereby orders that,

_____ a certificate of appealability shall be issued having found that petitioner has made a substantial showing of the denial of a constitutional right related to the following issue(s):

X _____ a certificate of appealability shall not be issued for the following reason(s):

The petitioner has failed to make a substantial showing of the denial of a constitutional right. The petitioner has failed to show an error in existing law beyond any fairminded disagreement. See Order dated May 26, 2017, in which the Court adopted the magistrate judge's April 17, 2017 Report & Recommendations that the petition be dismissed without prejudice.

New Orleans, Louisiana, this 30th day of May, 2017.



UNITED STATES DISTRICT JUDGE