

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

BRAXTON ROUSELL

CIVIL ACTION

VERSUS

NO. 17-1877

SUE ELLEN MONFRA

SECTION "R" (4)

ORDER AND REASONS

The Court dismissed Braxton Rousell's petition for habeas corpus relief for failure to prosecute.¹ The Court now denies a certificate of appealability.

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

¹ R. Doc. 7.

“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).

Rousell has not satisfied that standard. The Court will not issue a certificate of appealability.

New Orleans, Louisiana, this 4th day of August, 2017.

A handwritten signature in black ink that reads "Sarah Vance". The signature is written in a cursive style with a large initial 'S' and 'V'.

SARAH S. VANCE
UNITED STATES DISTRICT JUDGE