

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

TIMOTHY MAZIQUE

CIVIL ACTION

VERSUS

NO. 17-6675

ALVIN ROBINSON

SECTION “R” (3)

ORDER

The Court has reviewed *de novo* the petition for *habeas corpus*,¹ the record, the applicable law, the Magistrate Judge’s Report and Recommendation,² and petitioner’s objections.³ Petitioner requests a certificate of appealability, but presents no substantive objections to the Report and Recommendation.⁴ The Magistrate Judge’s recommended ruling is correct, and the Court adopts the Report and Recommendation as its opinion herein.

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

¹ R. Doc. 1.

² R. Doc. 10.

³ R. Doc. 11.

⁴ *Id.*

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 the denial of a constitutional right. For the reasons outlined by the Magistrate Judge, petitioner’s claims are without arguable merit, and the state court reasonably applied federal law in denying his application for post-conviction relief. Accordingly, 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 28th day of December, 2017.



SARAH S. VANCE
UNITED STATES DISTRICT JUDGE