

APR 15 2009

ROBERT H. SHEMPELL, CLERK
BY ah
DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

GORDON STRAKER

CIVIL ACTION NO. 2:08CV0995

VERSUS

JUDGE TRIMBLE

ICE, ET AL

MAGISTRATE JUDGE KAY

CERTIFICATE OF APPEALABILITY

A final order having been filed in the above-captioned habeas case, the court, considering the record in this case and the requirements of 28 U.S.C. § 2253, hereby finds that:

The certificate of appealability is DENIED because the applicant has failed to demonstrate a substantial showing of the denial of a constitutional right.

The certificate of appealability is GRANTED for the below reasons:

The applicant has made a substantial showing that the following issues constitute a denial of a constitutional right:

Signed at Alexandria, Louisiana, this 15th Day of April, 2009.

James T. Trimble, Jr.
JAMES T. TRIMBLE, JR.
UNITED STATES DISTRICT JUDGE