

RECEIVED
 IN LAKE CHARLES, LA
 NOV 10 2016
 TONY R. MOORE, CLERK
 WESTERN DISTRICT OF LOUISIANA

**UNITED STATES DISTRICT COURT
 WESTERN DISTRICT OF LOUISIANA
 LAKE CHARLES DIVISION**

ROBYN LITTLE DAVIS

* **CIVIL ACTION NO. 2:15 -CV-562**
 * **SECTION P**

v.

JAMES ROGERS

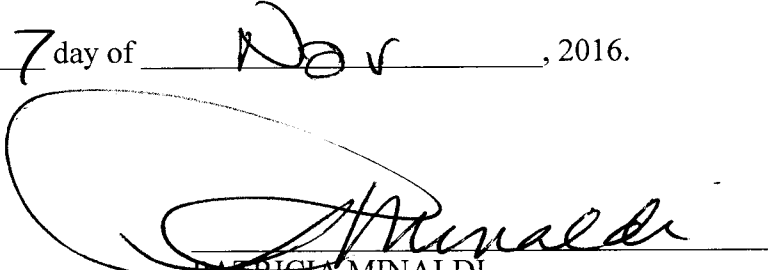
*
 *
 * **JUDGE MINALDI**
 *
 *
 * **MAGISTRATE JUDGE KAY**
 *

ORDER

Before the court is the petitioner’s application for a Certificate of Appealability (Rec. Doc. 42) to appeal the Judgment Adopting the Magistrate Judge’s Report and Recommendation (Rec. Doc. 39). The court does not find “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) (internal quotations and citation omitted). Accordingly,

IT IS ORDERED that the Certificate of Appealability (Rec. Doc. 42) is **DENIED** under 28 U.S.C. § 2253 because the petitioner has not made “a substantial showing of the denial of a constitutional right.”

Lake Charles, Louisiana, this 7 day of Nov, 2016.


 PATRICIA MINALDI
 UNITED STATES DISTRICT JUDGE