

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JUAN DIAZ,

Petitioner,

v.

PETER ST. AMAND,

Respondent.

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Civil Action No. 09-10298-JLT
[Appeal No. 12-1413]

ORDER

April 24, 2012

TAURO, J.

On April 6, 2012, petitioner filed Petitioner’s Notice of Appeal and Application for a Certificate of Appealability [#48] of the denial of his habeas petition. A certificate of appealability will issue “only if the applicant has made a substantial showing of the denial of a constitutional right.”¹ The applicant “must demonstrate that reasonable jurists would find the district court’s assessment of the constitutional claim debatable or wrong.”²

Here, upon review of the submissions of Petitioner, this court finds that he has not made the requisite showing with respect to the alleged denial of his constitutional rights. Accordingly, Petitioner’s Notice of Appeal and Application for a Certificate of Appealability is DENIED. The Clerk shall transmit this Order to the First Circuit Court of Appeals.

IT IS SO ORDERED.

/s/ Joseph L. Tauro
United States District Judge

¹ 28 U.S.C. § 2253(c)(2); see Miller-El v. Cockrell, 537 U.S. 322 (2003).

² See Miller-El, 537 U.S. at 338. (internal quotation marks omitted).