

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

RICHARD HODGES,	*	
	*	
Petitioner,	*	
	*	
v.	*	Civil Action No. 11-40067-JLT
	*	[Appeal No. 12-1432]
GARY RODEN,	*	
	*	
Respondent.	*	

ORDER

June 18, 2012

TAURO, J.

On February 29, 2012, Petitioner filed Petitioner’s Second Request for a Ruling on the Petition and for a Certificate of Appelability [sic] [#19]. On March 6, 2012, this court denied Petitioner’s request but did not provide any reasoning supporting the denial of the certificate of appealability. 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 Second Request for a Ruling on the Petition and for a Certificate of Appelability [sic] [#19] is DENIED.

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).

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