

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL RODRIGUEZ-ARANGO,

Petitioner,

Case Number 12-11973

Honorable David M. Lawson

v.

THOMAS WINN,

Respondent.

_____ /

ORDER DENYING CERTIFICATE OF APPEALABILITY

Petitioner Michael Rodriguez-Arango was convicted by a Ingham County, Michigan jury of sexually assaulting a twelve year-old boy who had recently emigrated with his family from Cuba. He was sentenced to a substantial prison term, and presently is confined at the Saginaw Correctional Facility, Michigan. He filed a *pro se* petition for a writ of habeas corpus under 28 U.S.C. § 2254 raising a variety of claims dealing with the quality of his legal representation, the prosecutor's conduct, the questioning of the victim, an amendment to a charge, sentencing, and the trial court's jurisdiction.

Pursuant to Rule 11 of the Rules Governing Section 2254 Cases in the United States District Courts:

The district court must issue or deny a certificate of appealability when it enters a final order adverse to the applicant. . . . If the court issues a certificate, the court must state the specific issue or issues that satisfy the showing required by 28 U.S.C. § 2253(c)(2). If the court denies a certificate, a party may not appeal the denial but may seek a certificate from the court of appeals under Federal Rule of Appellate Procedure 22.

Rule 11 of the Rules Governing Section 2254 Cases in the United States District Courts.

A certificate of appealability may issue "only if the applicant has made a substantial showing

of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). Courts must either issue a certificate of appealability indicating which issues satisfy the required showing or provide reasons why such a certificate should not issue. 28 U.S.C. § 2253(c)(3); Fed. R. App. P. 22(b); *In re Certificates of Appealability*, 106 F.3d 1306, 1307 (6th Cir. 1997). To receive a certificate of appealability, “a petitioner must 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 were adequate to deserve encouragement to proceed further.” *Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003) (internal quotes and citations omitted).

The Court concluded that the petitioner had not established that any decision of the state courts on the claims raised by the petitioner was contrary to or unreasonably applied federal constitutional law. And the Court now finds that reasonable jurists could not debate its conclusions as to those claims. The Court therefore will deny a certificate of appealability.

Accordingly, it is **ORDERED** that a certificate of appealability is **DENIED**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: May 10, 2016

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on May 10, 2016.

s/Jennifer McCoy
JENNIFER McCOY