

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EDWIN DEWAYNE BROOKS

Petitioner,

v.

Case No. 14-12576
Hon. Nancy G. Edmunds

DAVID BERGH,

Respondent.

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ORDER DENYING CERTIFICATE OF APPEALABILITY

On July 17, 2014, this Court denied Petitioner's application of for writ of habeas corpus pursuant to 28 U.S.C. § 2254. This matter is now before the Court on Petitioner's motion for a certificate of appealability [9] pursuant to 28 U.S.C. § 2253. The court may issue a certificate of appealability if the petitioner has made a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(2).

[T]he petitioner need not show that he should prevail on the merits. He has already failed in that endeavor. Rather, he must demonstrate that the issues are debatable among jurists of reason; that a court could resolve the issues [in a different manner] or that the questions are "adequate to deserve encouragement to proceed further."

Barefoot v. Estelle, 463 U.S. 880, 893 n. 4 (1983); *Hence v. Smith*, 49 F. Supp. 2d 547, 549 (E.D. Mich. 1999).

For the reasons stated in the Court's Opinion and Order denying the petition for a writ of habeas corpus [7], this Court reiterates its finding that Petitioner has not made a substantial showing of the denial of a federal right with respect to any of his claims. Being further advised in the premises and having read the pleadings, the Court hereby

DENIES Petitioner's motion for a certificate of appealability.

SO ORDERED.

S/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: August 20, 2014

I hereby certify that a copy of the foregoing document was served upon counsel of record on August 20, 2014, by electronic and/or ordinary mail.

S/Carol J. Bethel
Case Manager