

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION

DAYRAL T. NATHAN

PETITIONER

VERSUS

CIVIL ACTION NO. 1:91cv177WJG

STEVE W. PUCKETT

RESPONDENT

ORDER DENYING CERTIFICATE OF APPEALABILITY

THIS CAUSE comes before the Court on Petitioner's motion [26] for a certificate of appealability filed on June 17, 2010. Having reviewed the record, this Court finds that a final order adverse to the applicant was filed in the captioned habeas corpus case in which the detention complained of arises out of process issued by a state court. Therefore, this Court has determined after considering the record in the case and the requirements of 28 U.S.C. § 2253, Rule 22(b) of the Federal Rules of Appellate Procedure, and Rule 11(a) of the Rules Governing Section 2254 Cases in the United States District Courts that:

  X   A Certificate of Appealability should not issue and thus the Petitioner's motion [26] is **denied**. The applicant has failed to make a substantial showing of the denial of a constitutional right.

     A Certificate of Appealability should issue for the following specific issue(s):

SO ORDERED AND ADJUDGED this the 21<sup>st</sup> day of June, 2010.

*Walter J. Sex III*

UNITED STATES SENIOR DISTRICT JUDGE