

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

<b>HERBERT G. ROLES, III #L4829</b>	§ § § § §	<b>PETITIONER</b>
v.		<b>CAUSE NO. 1:09CV652 LG-RHW</b>
<b>JAQUELYN BANKS</b>		<b>RESPONDENT</b>

**CERTIFICATE OF APPEALABILITY**

A final order adverse to the applicant having been filed in the captioned habeas corpus case, in which the detention complained of arises out of process issued by a state court or a proceeding pursuant to 28 U.S.C. § 2255, the court, 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, hereby finds that:

  X   A Certificate of Appealability should not issue. 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 22<sup>nd</sup> day of January, 2010.

*s/ Louis Guirola, Jr.*  
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LOUIS GUIROLA, JR.  
UNITED STATES DISTRICT JUDGE