Nelson v. State of Mississippi

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

WILLIAM NELSON

**PETITIONER** 

**VERSUS** 

CIVIL ACTION NO. 1:10cv509HSO-JMR

STATE OF MISSISSIPPI, ET AL

RESPONDENTS

**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. § 2254, 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 for

the United States District Courts, hereby finds that:

A Certificate of Appealability should not issue. The applicant has failed to

make a substantial showing of the denial of a constitutional right, and pursuant to

28 U.S.C. § 2244(d), Petitioner is barred by the statute of limitations.

Date: October 21, 2011

s | Halil Suleyman Özerden

HALIL SULEYMAN OZERDEN UNITED STATES DISTRICT JUDGE