

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

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|---------------------|---|------------------------|
| CHRISTOPHER STARKS, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | Case No. 4:09CV499 HEA |
| |) | |
| MICHAEL BOWERSOX, |) | |
| |) | |
| Respondent, |) | |

OPINION, MEMORANDUM AND ORDER

This matter is before the Court on the Report and Recommendation of Magistrate Judge Lewis M. Blanton, in which Judge Blanton recommends denial of Petitioner's Petition for Writ of Habeas Corpus, [Doc. No. 1]. Petitioner has not filed written objections to Judge Blanton's Report and Recommendation.

Judge Blanton's Report and Recommendation very thoroughly discusses the facts and law applicable to Petitioner's Petition. The Court agrees with Judge Blanton's conclusion that Petitioner is not entitled to relief. The Report and Recommendation is adopted *in toto*.

Certificate of Appeal ability

The federal statute governing certificates of appealability provides that “[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). A substantial showing of the denial of a constitutional right requires that “issues are debatable among reasonable jurists, a court could resolve the issues differently, or the issues deserve further proceedings.” *Cox v. Norris*, 133 F.3d 565, 569 (8th Cir. 1997). Based on the record, and the law as discussed in Judge Blanton’s Report and Recommendation, the Court finds that Petitioner has not made a substantial showing of the denial of a constitutional right.

Accordingly,

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus filed by Petitioner Christopher Starks, [Doc. No. 1], is denied.

IT IS FURTHER ORDERED that a Certificate of Appealability will not issue.

A separate judgment in accordance with this Opinion, Memorandum and Order is entered this same date.

Dated this 2nd day of March, 2012.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE