

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

STEVEN M. TRUST,)	
)	
Petitioner,)	
v.)	Case No. 4:09 CV 1101 RWS
)	
STEVE LARKINS,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

This matter is before me on the petition for writ of habeas corpus filed by Petitioner Steven Trust. I referred this matter to United States Magistrate Judge Thomas C. Mummert, III for a report and recommendation on all dispositive matters pursuant to 28 U.S.C. § 636(b). On July 20, 2012, Judge Mummert filed his recommendation that Trust's habeas petition should be denied.

Objections to the Report and Recommendation were due to be filed by August 6, 2012. On August 2, 2012, Trust filed a motion for an extension of time to file his objections. On August 7, 2012, I granted Trust's motion and gave him until September 20, 2012 to file any objections. As of the date of this order, Trust has not filed any objections to the Report and Recommendation. After careful consideration, I will adopt and sustain the thorough reasoning of Magistrate Judge Mummert and will deny Trust's habeas petition for the reasons stated in the Report and Recommendation dated July 20, 2012.

I have also considered whether to issue a certificate of appealability. To grant a certificate of appealability, the Court must find a substantial showing of the denial of a federal constitutional right. See Tiedeman v. Benson, 122 F.3d 518, 522 (8th Cir. 1997). A substantial

showing is a showing 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) (citing Flieger v. Delo, 16 F.3d 878, 882-83 (8th Cir. 1994)). Because petitioner has not made such a showing in this case, I will not issue a certificate of appealability.

Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation filed on July 20, 2012 is adopted and sustained in its entirety.

IT IS FURTHER ORDERED that Petitioner Steven Trust's Petition for Writ of Habeas Corpus is **DENIED**.

IT IS FURTHER ORDERED that the Court will not issue a certificate of appealability.

A separate Judgment in accordance with this Memorandum and Order is entered this same date.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 28th day of September, 2012