

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

SHAWN W. SHERMAN, )  
                          )  
Petitioner,           )  
                          )  
vs.                    )           Case No. 4:10CV01912 SNLJ  
                          )  
MICHAEL BOWERSOX, )  
                          )  
Respondent.           )

**MEMORANDUM AND ORDER**

This matter is before me on the petition for writ of habeas corpus filed by Petitioner Shawn W. Sherman. I referred this matter to United States Magistrate Judge Mary Ann Medler, for a report and recommendation on all dispositive matters pursuant to 28 U.S.C. § 636(b). On June 5, 2012, Judge Medler filed her recommendation that Sherman's habeas petition should be denied.

Objections to Judge Medler's Report and Recommendation were filed on June 15, 2012. After careful consideration, I will adopt and sustain the thorough reasoning of Judge Medler and deny Sherman's habeas petition for the reasons stated in the Report and Recommendation dated June 5, 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 Sherman

has not made such a showing in this case, I will not issue a certificate of appealability.

Accordingly,

**IT IS HEREBY ORDERED** that Judge Medler's Report and Recommendation filed on June 5, 2012 is adopted and sustained in its entirety.

**IT IS FURTHER ORDERED** that Petitioner Shawn W. Sherman'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.

Dated this 13th day of September, 2012.



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STEPHEN N. LIMBAUGH, JR.  
UNITED STATES DISTRICT JUDGE