

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

MICHAEL JEROME BUTLER, )  
                                  )  
Petitioner,                )  
                                  )  
vs.                         ) Case No. 4:12CV00222 ERW  
                                  )  
SCOTT LAWRENCE,            )  
                                  )  
Respondent.                )

**MEMORANDUM AND ORDER**

This matter is before the Court upon the Report and Recommendation of United States Magistrate Terry I. Adelman [ECF No. 22], pursuant to 28 U.S.C. § 636(b). The Court notes no objections were filed to the Report and Recommendation. After consideration of the issues and review of the record, the Court hereby sustains, adopts, and incorporates herein the Magistrate's Report and Recommendation.

In addition, a certificate of appealability may only be issued when “the applicant has made a substantial showing of the denial of a constitutional right.” *See Slack v. McDaniel*, 529 U.S. 473, 483 (2000) (quoting 28 U.S.C. § 2253(c)(2)); *see also Langley v. Norris*, 465 F.3d 861, 863 (8<sup>th</sup> Cir. 2006). Petitioner has made no such showing. Furthermore, the Court does not believe reasonable jurists might find the Court’s decision debatable or wrong, for purposes of issuing a certificate of appealability under 28 U.S.C. § 2253(c)(1)(A). *See Slack*, 529 U.S. at 483-84. Therefore, the Court shall not issue a certificate of appealability as to any claim raised in the Petition.

Accordingly,

**IT IS HEREBY ORDERED** that Petitioner Michael Butler's "Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus By a Person In State Custody" [ECF No. 1] is **DENIED**.

**IT IS FURTHER ORDERED** that no Certificate of Appealability will be issued.

So Ordered this 10th day of March, 2015.

  
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**E. RICHARD WEBBER**  
**SENIOR UNITED STATES DISTRICT JUDGE**