

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ORLAN RAY HELT,)	
)	
Petitioner,)	
)	
vs.)	Case No. 4:13CV01005 SNLJ
)	
TROY STEELE and CHRIS)	
KOSTER,)	
)	
Respondents.)	

MEMORANDUM AND ORDER

This matter is before me on the petition for writ of habeas corpus filed by Petitioner Orlan Ray Helt. I referred this matter to United States Magistrate Judge Patricia L. Cohen, for a report and recommendation on all dispositive matters pursuant to 28 U.S.C. § 636(b). On August 2, 2016, Judge Cohen filed her recommendation that Helt’s habeas petition should be dismissed.

No objections to Judge Cohen’s Report and Recommendation were filed. After careful consideration, I will adopt and sustain the thorough reasoning of Judge Cohen and deny Helt’s habeas petition for the reasons stated in the Report and Recommendation dated August 2, 2016.

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

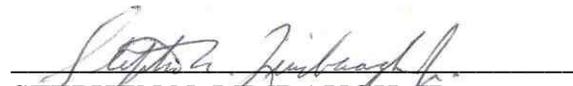
Accordingly,

IT IS HEREBY ORDERED that Judge Cohen's Report and Recommendation, [ECF 21], filed August 2, 2016 is adopted and sustained in its entirety.

IT IS FURTHER ORDERED that Petitioner's Petition for Writ of Habeas Corpus, [ECF 1], 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 7th day of September, 2016.


STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE