

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ROLLAN STANLEY,)	
)	
Petitioner,)	
)	
vs.)	Case No. 4:13CV1760 RWS
)	
ELLIS MCSWAIN, JR.,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

This matter is before the Court on the petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 filed by Rollan Stanley. The Court referred this matter to United States Magistrate Judge Abbie S. Crites-Leoni for a report and recommendation on all dispositive matters pursuant to 28 U.S.C. § 636(b). On August 3, 2016, Judge Crites-Leoni filed her 19-page Report and Recommendation that petitioner’s habeas petition should be denied. [21]. No objections to the Report and Recommendation were filed. After careful consideration, I will adopt and sustain Judge Crites-Leoni’s thorough Report and Recommendation in its entirety.

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, I will not issue a certificate of appealability.

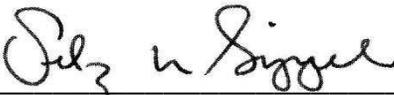
Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation filed on August 3, 2016 [21] is adopted and sustained in its entirety.

IT IS FURTHER ORDERED that Petitioner's Petition for Writ of Habeas Corpus [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.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 31st day of August, 2016.