

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

EDWARD TRAMBLE,)
Petitioner,)
v.) No. 4:14 CV 547 RWS
JAMES HURLEY,)
Respondent.)

MEMORANDUM AND ORDER

This matter is before me on Petitioner Edward Tramble's petition for writ of habeas corpus under 28 U.S.C. § 2254. Tramble challenges the sufficiency of the evidence supporting his conviction for burglary in the second degree and argues his trial counsel was ineffective in its handling of prior convictions of one of the State's witnesses, the pastor of the church that Tramble was convicted of burglarizing.¹ I referred this matter to United States Magistrate Judge Noelle C. Collins for a report and recommendation on all dispositive matters pursuant to 28 U.S.C. § 636(b). On February 6, 2017, Judge Collins filed her recommendation that Tramble's habeas petition should be denied.

Objections to Judge Collins's Report and Recommendation were due by February 21, 2017. As of the date of this order, no objections to the Report and Recommendation have been filed. After careful consideration, I will adopt and sustain Judge Collins's 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

¹ I note that while the Report and Recommendation mistakenly states several times that Tramble is challenging his conviction for "second degree robbery," the Report's analysis properly addresses second-degree burglary.

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

Accordingly,

IT IS HEREBY ORDERED that Judge Collins's Report and Recommendation filed on February 6, 2017 is adopted and sustained in its entirety.

IT IS FURTHER ORDERED that Petitioner Edward Tramble'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 10th day of March, 2017.