

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

DELBERT M. GREENE,

Petitioner,

v.

STATE OF NEVADA, et al.,

Respondents.

Case No. 2:15-cv-02470-GMN-CWH

ORDER

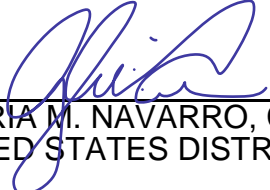
On April 14, 2016, the court dismissed petitioner Delbert M. Greene's *pro se* petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 with prejudice as successive (ECF No. 3), and judgment was entered (ECF No. 5). This is a final order adverse to the petitioner. As such, Rule 11 of the Rules Governing Section 2254 Cases requires this court to issue or deny a certificate of appealability (COA).

Pursuant to 28 U.S.C. § 2253(c)(2), a COA may issue only when the petitioner "has made a substantial showing of the denial of a constitutional right." With respect to claims rejected on the merits, a petitioner "must demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (citing *Barefoot v. Estelle*, 463 U.S. 880, 893 & n.4 (1983)). For procedural rulings, a COA will issue only if reasonable jurists could debate (1) whether the petition states a valid claim of the denial of a constitutional right and (2) whether the court's procedural ruling was correct. *Id.*

Having reviewed its determination that Greene's petition is successive, the court finds that reasonable jurists would not find this conclusion to be debatable or wrong. The court therefore declines to issue a certificate of appealability in this case.

IT IS THEREFORE ORDERED that a certificate of appealability is **DENIED**.

DATED: 29 June 2016.


GLORIA M. NAVARRO, CHIEF JUDGE
UNITED STATES DISTRICT COURT