

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

JUAN CRUZ,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Civ. Action No. 04-5406 (KSH)

**ORDER**

**Katharine S. Hayden, U.S.D.J.**

For the reasons expressed in the opinion filed herewith,

**IT IS** on this 16<sup>th</sup> day of August, 2007,

**ORDERED** that petitioner's application for a writ of habeas corpus is **dismissed**; and it is further

**ORDERED** that no certificate of appealability shall issue under 28 U.S.C. § 2253(c)(1) because petitioner has failed to make a substantial showing of the denial of a constitutional right.

/s/ Katharine S. Hayden

Katharine S. Hayden, U.S.D.J.