

JUDGMENT IN A CIVIL CASE**VAUGHN AVERY,****Petitioner,****vs.****9:12-CV-01347 (JKS)****HAROLD D. GRAHAM, Superintendent,
Auburn Correctional Facility,
Respondent.**

- Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.
- Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED, that pursuant to the Memorandum Decision of the Hon. James K. Singleton, Jr., United States District Judge, dated July 2, 2014, the Amended Petition under 28 U.S.C. § 2254 for a Writ of Habeas Corpus (Dkt. No. 6) is **DENIED. IT IS FURTHER ORDERED THAT** the Court declines to issue a Certificate of Appealability. 28 U.S.C. § 2253(c); *Banks v. Dretke*, 540 U.S. 668, 705 (2004) (“To obtain a certificate of appealability, a prisoner must ‘demonstrat[e] that jurists of reason could disagree with the district court’s resolution of his constitutional claims or that jurists could conclude the issues presented are adequate to deserve encouragement to proceed further.’” (quoting *Miller-El*, 537 U.S. at 327)). Any further request for a Certificate of Appealability must be addressed to the Court of Appeals. See FED. R. APP. P. 22(b); 2D CIR. R. 22.1.

DATED: July 2, 2014



Lawrence H. Baum
Clerk of Court

ENTERED 7/2/2014

BY PTM

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PTM

Deputy Clerk