



constitutional claims on the merits, the showing required to satisfy § 2253(c) is straightforward: The petitioner must demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong.” ***Miller-El v. Cockrell*, 537 U.S. 322, 338 (2003) (quoting *Slack v. McDaniel*, 529 U.S. 473, 484 (2000)).**

However, when a district court denies a claim on procedural grounds,

a COA should issue when the petitioner shows, at least, that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling.

***Slack*, 529 U.S. at 484.**

It is this Court's view that reasonable jurists would find the Court's assessment of the constitutional issues raised in Claims I, II, III, IV, XII, and XIII of Hyatt's habeas petition “debatable or wrong.” ***See Miller-El*, 537 U.S. at 338.** Furthermore, it is this Court's view that jurists of reason would find it debatable whether Claims V, VI and IX state a valid constitutional claim and could debate whether this Court was correct in denying those claims on procedural grounds. ***See Slack*, 529 U.S. at 484.**

**IT IS, THEREFORE, ORDERED** that Hyatt's motion for a certificate of appealability is hereby **GRANTED**.

Signed: December 16, 2008

A handwritten signature in black ink, appearing to read "Lacy H. Thornburg", is written over a horizontal line.

Lacy H. Thornburg  
United States District Judge

