

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

3:07cv76
(3:04cr304)

DARRELL EUGENE DIGSBY,)
)
 v.)
)
 UNITED STATES OF AMERICA,)
 _____)

ORDER

THIS MATTER is before the Court on a limited remand from the Fourth Circuit Court of Appeals for determination of whether a certificate of appealability should be issued to Petitioner. (Doc. No. 28).

Upon review of the entire record in this case, the Court finds that Petitioner has not made a substantial showing of the denial of a constitutional right; therefore, the Court declines to issue a certificate of appealability. 28 U.S.C. § 2253(c)(2); Miller -El v. Cockrell, 537 U.S. 322, 336-338 (2003) (in order to satisfy § 2253(c), a petitioner must demonstrate that reasonable jurists could debate whether the petition should have been resolved in a different manner or that the issues presented were adequate to deserve encouragement to proceed further).

IT IS, THEREFORE, ORDERED that a certificate of appealability will not be issued in this matter.

The Clerk is directed to send copies of this Order to the parties and to the Clerk of the Fourth Circuit Court of Appeals.

Signed: March 26, 2010



Robert J. Conrad, Jr.
Chief United States District Judge

