

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:12-cv-175-RJC**

KEITH L. SHROPSHIRE,)
)
 Petitioner,)
)
 v.)
)
 RENOICE E. STANCIL,)
 Administrator of Bertie Correctional)
 Institution,)
)
 Respondent.)
 _____)

ORDER

THIS MATTER is before the Court of Petitioner’s Motion for a Certificate of Appealability. (Doc. No. 24).

On February 13, 2013, the Court entered an Order granting Respondent’s Motion for Summary Judgment as to the claims raised by Petitioner in his habeas petition filed pursuant to 28 U.S.C. § 2254. (Doc. No. 22). In the present motion, Petitioner requests a certificate of appealability on the claims he raised, and which were rejected in the Court’s Order of dismissal. Moreover, the Court specifically declined to issue a certificate of appealability in its Order of dismissal after finding that Petitioner had failed to meet the requirements Rule 11(a) of the Rules Governing Section 2254 Proceedings. See also 28 U.S.C. § 2253(c). See (Doc. No. 22 at 14).

IT IS, THEREFORE, ORDERED that Petitioner’s Motion for a Certificate of Appealability is **DENIED**. (Doc. No. 24).

IT IS FURTHER ORDERED that pursuant to Rule 11(a) of the Rules Governing Section 2254 Cases, the Court declines to issue a certificate of appealability as Petitioner has not

made a substantial showing of a denial of a constitutional right. 28 U.S.C. § 2253(c)(2); Miller-El v. Cockrell, 537 U.S. 322, 336-38 (2003) (in order to satisfy § 2253(c), 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. 474, 484 (2000) (holding that when relief is denied on procedural grounds, a petitioner must establish both that the correctness of the dispositive procedural ruling is debatable, and that the petition states a debatably valid claim of the denial of a constitutional right).

Signed: March 22, 2013



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

