

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

TIMOTHY DOYLE YOUNG,

Petitioner,

v.

ERIC HOLDER,

Respondent.

CASE NO. 2:14-CV-296

JUDGE GREGORY L. FROST

Magistrate Judge Elizabeth Preston Deavers

ORDER

On April 4, 2014, final judgment was entered dismissing without prejudice the Petitioner's federal habeas corpus petition. Petitioner has filed a *Notice of Appeal*, which this Court construes as a request for a certificate of appealability. (ECF No. 4.) For the reasons that follow, Petitioner's request for a certificate of appealability is **DENIED**. (ECF No. 4.)

Petitioner asserts that the Bureau of Prisons violated the Eighth Amendment in revoking his Good-Time credits and falsified public records and that the United States Court of Appeals for the Tenth Circuit "is committing criminal acts." (*Petition*, ECF. No. 1.) The Court construed the habeas corpus petition under 28 U.S.C. § 2241 and dismissed the case without prejudice to Petitioner's ability to re-file in the district in which he is incarcerated.

Where the Court dismisses a claim on procedural grounds, Petitioner must show "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" to obtain the certificate of appealability. *Slack v. McDaniel*, 529 U.S. 473, 484–85 (2000). Thus, there are two components to determining whether a certificate of appealability should issue when a claim is dismissed on procedural grounds: "one

directed at the underlying constitutional claims and one directed at the district court's procedural holding.” The Court may first “resolve the issue whose answer is more apparent from the record and arguments.” *Id.*

The Court is not persuaded that Petitioner has met this standard here. Jurists of reason would not find it debatable whether this Court was correct in dismissing the claim without prejudice to refiling in the district in which he is incarcerated. Petitioner’s request for a certificate of appealability is **DENIED**. (ECF No. 4.)

IT IS SO ORDERED.

/s/ Gregory L. Frost
GREGORY L. FROST
UNITED STATES DISTRICT JUDGE