

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

<b>ARMOND DAVIS ROSS,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. CIV-13-323-R</b>
	)	
<b>WARDEN ADDISON,</b>	)	
	)	
<b>Respondent.</b>	)	

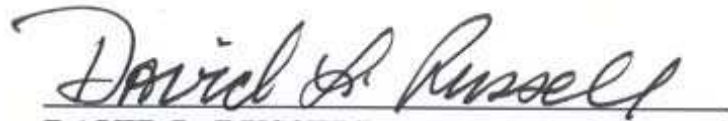
**ORDER**

This matter is before the Court on Petitioner’s Application for Certificate of Appealability [Doc. No. 86].

Petitioner is entitled to a certificate of appealability (COA), only upon making a substantial showing of the denial of a constitutional right. *See* 28 U.S.C. § 2253(c)(2). Where a habeas petition is denied on procedural grounds, Petitioner is entitled to a COA only if he demonstrates 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 v. McDaniel*, 529 U.S. 473, 484, 120 S. Ct. 1595, 146 L. Ed. 2d 542 (2000). Where a habeas petition is denied on the merits, Petitioner is entitled to a COA only if he demonstrates “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.” *Miller-El v. Cockrell*, 537 U.S. 322, 327, 123 S. Ct. 1029, 154 L. Ed. 2d 931, 944

(2003)(citing *Slack v. McDaniel, supra*). Petitioner has not made either showing and is therefore not entitled to a COA. Petitioner's application therefor is DENIED.

IT IS SO ORDERED this 25th day of August, 2015.

  
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DAVID L. RUSSELL  
UNITED STATES DISTRICT JUDGE