

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA**

RALPH L. WILLIAMS, #249826,)	C/A No. 3:09-1424 DCN
)	
Petitioner,)	
)	
vs.)	<u>ORDER</u>
)	
WARDEN, KIRKLAND CORRECTIONAL INSTITUTION,)	
)	
Respondent.)	

In its April 19, 2010 order, the court affirmed the magistrate judge’s report and recommendation, granted respondent’s Motion for Summary Judgment, and dismissed the petition without an evidentiary hearing. The court now amends its April 19, 2010 order to include a decision on whether to grant or deny petitioner a certificate of appealability.

Rule 11(a) of the Rules Governing Section 2254 Cases provides that the district court “must issue or deny a certificate of appealability when it enters a final order adverse to the applicant.” A certificate of appealability may issue “only if the applicant has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). An applicant satisfies this standard by establishing that reasonable jurists would find that the district court’s assessment of the constitutional claims is debatable or wrong and that any dispositive procedural ruling by the district court is likewise debatable. Miller-El v. Cockrell, 537 U.S. 322, 336-38 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000); Rose v. Lee, 252 F.3d 676, 683-84 (4th Cir. 2001).

Here, petitioner does not meet this standard because there is nothing debatable about the court’s resolution of his habeas petition. Accordingly, the court **DENIES** a certificate of

appealability. The April 19, 2010 order is amended accordingly.

AND IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'D. Norton', written over a horizontal line.

David C. Norton
Chief United States District Judge

Charleston, South Carolina
April 21, 2010

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified that any right to appeal this Order is governed by Rules 3 and 4 of the Federal Rules of Appellate Procedure