

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ROBERT GENE WILL, II

Petitioner,

v.

RICK THALER, Director,
Texas Department of Criminal Justice,
Correctional Institutions Division,

Respondent.

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CIVIL ACTION NO. H-07-1000

ORDER

Upon reflection, and given the current legal and factual posture of this case, the Court believes that a certificate of appealability is appropriate as to whether Petitioner, Robert Gene Will II, received a fair trial given the presence of uniformed police officers in the courtroom audience. Specifically, the Court believes 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.” *Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003) (citations omitted) (internal quotation marks omitted). Thus, the Court **GRANTS** a certificate of appealability on this issue.

IT IS SO ORDERED.

SIGNED at Houston, Texas on this the 19th day of March, 2012.



KEITH P. ELLISON
U.S. DISTRICT COURT JUDGE