

1 HONORABLE RONALD B. LEIGHTON

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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT TACOMA

9 STEVEN ALLEN MCCRACKEN,

10 Petitioner,

v.

11 UNITED STATES OF AMERICA,

12 Respondent.

CASE NO. C16-5468 RBL

ORDER DENYING CERTIFICATE OF
APPEALABILITY

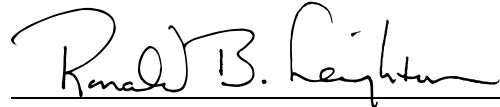
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15 THIS MATTER is before the Court on limited remand from the Ninth Circuit to address
16 whether Petitioner McCracken is entitled to a Certificate of Appealability [Dkt. # 55].

17 The Court should grant an application for a Certificate of Appealability only if the
18 petitioner makes a “substantial showing of the denial of a constitutional right.” 28 U.S.C. §
19 2253(c)(2). To obtain a Certificate of Appealability under 28 U.S.C. § 2253(c), a habeas
20 petitioner must make a showing that reasonable jurists could debate whether, or agree that, the
21 petition should have been resolved in a different manner or that the issues presented were
22 adequate to deserve encouragement to proceed further. *Slack v. McDaniel*, 120 S.Ct. 1595, 1603-
23 04 (2000) (quoting *Barefoot v. Estelle*, 463 U.S. 880, 893 n.4 (1983)).

1 McCracken has not made such a showing in any of his six motions to re-open his case.
2 See also this Court's prior Order declining to issue a Certificate [Dkt. # 30]. The Court will not
3 issue a Certificate of Appealability.

4 IT IS SO ORDERED.

5 Dated this 27th day of February, 2019.

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8 Ronald B. Leighton
9 United States District Judge
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