

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

WILLIE WEST, JR.,

Movant,

v.

Civil No. 2:16-cv-05666
Criminal No. 2:07-cr-00052

UNITED STATES OF AMERICA,

Respondent.

JUDGMENT ORDER

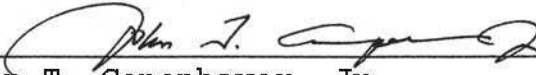
In accordance with the court's memorandum opinion and order this day entered in the above-styled civil action, it is ORDERED that the movant's action under 28 U.S.C. § 2255 be, and hereby is, dismissed.

The court has considered whether to grant a certificate of appealability. 28 U.S.C. § 2253(c). A certificate is not granted absent "a substantial showing of the denial of a constitutional right." Id. § 2253(c)(2). The standard is satisfied only upon a showing that reasonable jurists would find that any assessment of the constitutional claims by this court is debatable or wrong and that any dispositive procedural ruling 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). The court concludes that the governing standard is not satisfied in this instance.

Accordingly, the court ORDERS that a certificate of appealability be, and it hereby is, denied. Pursuant to Rule 11, Rules Governing Section 2255 Proceedings, movant may not appeal the denial but may seek a certificate from the court of appeals under Federal Rule of Appellate Procedure 22.

The Clerk is directed to forward copies of this judgment order to the movant, all counsel of record, and the United States Magistrate Judge.

ENTER: August 29, 2019



John T. Copenhaver, Jr.
Senior United States District Judge