UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

JULIAN AROCHO,

Petitioner,

v. Case No.: 2:16-cv-910-FtM-38MRM

SECRETARY, DOC and FLORIDA ATTORNEY GENERAL,

Respondents.
_____/

OPINION AND ORDER[1]

Before the Court is Petitioner Julian Arocho's Motion for a Certificate of Appealability (Doc. 20) filed on July 15, 2019. Petitioner is not entitled to a certificate of appealability. A prisoner seeking a writ of habeas corpus has no absolute entitlement to appeal a district court's denial of his petition. 28 U.S.C. § 2253(c)(1). Rather, a district court must first issue a certificate of appealability ("COA"). "A [COA] 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). To make such a showing, Petitioner must demonstrate that "reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong," *Tennard v. Dretke*, 542 U.S. 274, 282 (2004) (quoting *Slack v.*

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McDaniel, 529 U.S. 473, 484 (2000)), or that "the issues presented were 'adequate to deserve encouragement to proceed further.'" *Miller–El v. Cockrell,* 537 U.S. 322, 335–36 (2003). Petitioner has not made the requisite showing in these circumstances.

Accordingly, it is now

ORDERED:

Petitioner Julian Arocho's Motion for a Certificate of Appealability (Doc. 20) is **DENIED**.

DONE and **ORDERED** in Fort Myers, Florida this 17th day of July 2019.

SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

SA: FTMP-2

Copies: All Parties of Record