

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,
Plaintiff,

vs.

Case No. 07-10076-01-JTM

KEVIN HINSON,
Defendant.

MEMORANDUM AND ORDER

On August 1, 2011, the Court denied defendant Kevin Hinson's Motion to Vacate his sentence pursuant to 28 U.S.C. § 2255. (Dkt. 72). By this separate order, the court specifically addresses the appealability of that denial.

Following the denial of a motion for relief under § 2255, the court may issue a certificate of appealability "only if the applicant has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). Such a showing means that the defendant must demonstrate that "reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong." *Saiz v. Ortiz*, 393 F.3d 1166, 1171 n.3 (10th Cir. 2004) (*quoting Tennard v. Dretke*, 542 U.S. 274, 282 (2004)). For reasons stated in the Memorandum And Order (Dkt. 72), the Court finds that defendant has not made a substantial showing of the denial of a constitutional right. The Court therefore denies a certificate of appealability as to its ruling on defendant's Section 2255 motion.

IT IS ACCORDINGLY ORDERED this 26th day of September 2011, that the defendant's

Motion for Relief (Dkt. 65) is hereby denied.

s/ J. Thomas Marten
J. THOMAS MARTEN, JUDGE