

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. 08-40010-01
10-4109-RDR

ROBERT THOMAS JOHNSON,

Defendant.

O R D E R

Defendant has filed a motion to vacate sentence pursuant to 28 U.S.C. § 2255. Doc. No. 192. The court has denied that motion and a motion for reconsideration. Doc. Nos. 194, 196. This matter is now before the court upon defendant's motion for a certificate of appealability. Doc. No. 198.

To obtain a certificate of appealability, defendant must make a "substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). In order to meet this burden, defendant must demonstrate "that reasonable jurists could debate whether (or, for that matter, agree that) the petition should have been resolved in a different manner or that the issues presented were adequate to deserve encouragement to proceed further." Slack v. McDaniel, 529 U.S. 473, 484 (2000).

For the reasons stated in the court's order denying the motion to vacate and the motion for reconsideration, the court shall deny defendant's motion for a certificate of appealability.

IT IS SO ORDERED.

Dated this 5th day of January, 2011 at Topeka, Kansas.

s/Richard D. Rogers
United States District Judge