

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

HARABIA JABBAR JOHNSON,

Petitioner,

vs.

Case No. 19-CV-3173-EFM

JEFF ZMUDA, SECRETARY,
KANSAS DEPARTMENT OF
CORRECTIONS,

Respondent.

MEMORANDUM AND ORDER

Before the Court is Petitioner Harabia Jabbar Johnson’s Application for Certificate of Appealability (Doc. 23). A court may only grant a COA “if the applicant has made a substantial showing of the denial of a constitutional right.”¹ A petitioner satisfies this burden if “ ‘reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong.’ ”² For the reasons explained in the Court’s Memorandum & Order filed on December 15,

¹ 28 U.S.C. § 2253(c)(2). A “final order in a habeas corpus proceeding in which the detention complained of arises out of process issued by a State court” is not appealable unless a circuit justice or a circuit or district judge issues a COA. *See* 28 U.S.C. § 2253(c)(1)(A).

² *Saiz v Ortiz*, 392 F.3d 1166, 1171 n.3 (10th Cir. 2004) (quoting *Tennard v. Dretke*, 524 U.S. 274, 282 (2004)).

2020 (Doc. 20), the Court concludes that Petitioner has not made a substantial showing of the denial of a constitutional right. The Court therefore denies a COA.

IT IS THEREFORE ORDERED that Petitioner Harabia Jabbar Johnson's Application for Certificate of Appealability (Doc. 23) is **DENIED**.

IT IS SO ORDERED.

Dated this 24th day of February, 2021.

This case is closed.

A handwritten signature in black ink that reads "Eric F. Melgren". The signature is written in a cursive, flowing style.

ERIC F. MELGREN
UNITED STATES DISTRICT JUDGE