

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE-OPELOUSAS DIVISION**

United States of America

Action No. 6:04-CR-20075

versus

Judge Tucker L. Melançon

Gregory J. Caton

Magistrate Judge C. Michael Hill

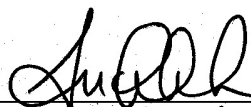
**CERTIFICATE AS TO APPEALABILITY**

A notice of appeal having been filed on December 14, 2005 [Rec. Doc. 56] in the above captioned case subsequent to the Court's December 13, 2005 Judgment [Rec. Doc. 51] denying petitioner's §2255 motion,

Having considering the record in this case and the requirements of Federal Rule of Appellate Procedure 22(b), the Court hereby finds that a certificate of appealability should not issue for the following reasons:

Adopting the analysis contained in the Report and Recommendation of the Magistrate Judge issued herein on November 23, 2005 [Rec. Doc. 49], the Court finds that there is no basis in law or fact entitling petitioner to the relief he seeks.

Thus done and signed this 4<sup>th</sup> day of January, 2006 at Lafayette, Louisiana.



Tucker L. Melançon

UNITED STATES DISTRICT JUDGE