

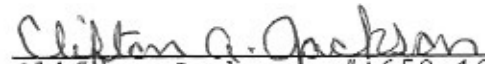
IN THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

CLIFTON JACKSON, :
: C.A. CASE NO.: _____
Petitioner-Appellant, :
: vs. : DIST. COURT CASE NO: 1:18-CV-476
: BRIGHAM SLOAN, Warden, :
: Respondent-Appellee. : JUDGE: SOLOMAN OLIVER, JR.

PETITIONER-APPELLANT'S MOTION FOR LEAVE
FOR CERTIFICATE OF APPEALABILITY
PURSUANT TO U.S.C. §2253(C)(2)

Petitioner-Appellant, Clifton Jackson (hereinafter referred to as Appellant), pro se, respectfully seeks leave to obtain a **Certificate of Appealability** in the above captioned case from the District Court's Order. Appellant prays that this Motion is well taken for the reasons more fully explained in the Memorandum in Support attached hereto and incorporated by reference herein in the interest of law, justice, equity and good conscience.

Respectfully submitted,


Clifton Jackson, #A652-163
Lake Erie Correctional Inst.
501 Thompson Road
P.O. Box 8000
Conneaut, Ohio 44030-8000

Petitioner, pro se

MEMORANDUM IN SUPPORT

To obtain a Certificate of Appealability, a habeas corpus petitioner or section 2255 movant must satisfy the legal standard that is set forth in 28 U.S.C. §2253(c)(2) as amended by AEDPA in 1996: "a substantial showing of the denial of a constitutional right." As the Supreme Court has explained, this statute "codified our standard, announced in Barefoot v. Estells, 463 U.S. 880(1983), for determining what constitutes the requisite showing" for obtaining leave to appeal a district court's denial of habeas corpus relief. The court has stated that this standard requires that a petitioner

"show 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, at 484 (2000) (quoting Barefoot, supra, at 893.

In this instant case, evidence proffered adduced blatant perjured testimony by the State's key witness, State Trooper's testimony contravened by his own dash-cam video.

The question before this Honorable Court, is whether Petitioner's meritorious claims be denied review on procedural grounds (untimeliness) creating a manifest injustice, which would lead to a miscarriage of justice.

In Slack v. McDaniel, supra, the Court held that "when the district court denies a habeas petition on procedural grounds without reaching the prisoner's underlying constitutional claim, a COA should issue (and an appeal of the district court's order may be taken) if the prisoner shows, at least, that jurist of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right, and the jurist of reason would find it

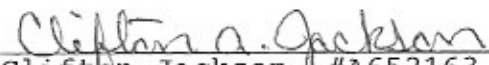
debatable whether the district court was correct in its procedural ruling.

Petitioner asserts, that his COA meets the threshold inquiry and Petitioner's Writ should proceed to the circuit court.

CERTIFICATE OF SERVICE

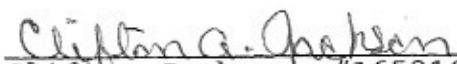
A true and accurate copy of Petitioner-Appellant's Motion For Leave For Certificate Of Appealability was mailed to the Attorney General of Ohio, Mike Dewine Esq., postage prepaid to 150 Gay Street, 16th floor, Columbus, Ohio 43215 on this 27th day of December, 2018.

Respectfully submitted,


Clifton Jackson, #A652163
Lake Erie Correctional Inst.
P.O. Box 8000
501 Thompson Road
Conneaut, Ohio 44030
Petitioner, pro se

Therewith, Petitioner-Appellant declare (certify, verify, or state) under penalty of perjury that the foregoing Motion For Leave For Certificate Of Appealability pursuant to U.S.C. §2253(c)(2) is true and correct and was placed in the prison mailing system on 27th December, 2018.

Respectfully submitted,


Clifton Jackson, #A652163
Petitioner-Appellant, pro se