

Breest v. Brodeur

CV-95-100-SD 10/07/97

**UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEW HAMPSHIRE**

Robert Breest

v.

Civil No. 95-100-SD

Paul Brodeur

**ORDER ON MOTION FOR CERTIFICATE OF PROBABLE CAUSE**

This matter is before the court on the motion of petitioner Robert Breest for a certificate of probable cause. Pursuant to Rule 22 (1986) of the United States Court of Appeals for the First Circuit (reinstated July 22, 1997, as applicable to section 2254 proceedings pending prior to April 24, 1996), the court has reviewed this matter. A certificate of probable cause may issue when the petitioner makes a substantial showing of denial of a federal constitutional right and demonstrates issues which are "debatable among jurists of reason," or the court could resolve the issues differently, or questions are "adequate to deserve encouragement to proceed further." Barefoot v. Estelle, 463 U.S. 880, 893 n.4 (1983).

On review of the matter, the court believes that, in accordance with the foregoing factors, petitioner is entitled to and the court herewith issues a certificate of probable cause to

appeal to the United States Court of Appeals for the First  
Circuit.

**SO ORDERED.**

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Shane Devine, Senior Judge  
United States District Court

October 7, 1997

cc: Robert Breest, pro se  
Attorney General - NH