

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

GREGORY W. NICKELS
ADC #120506

PETITIONER

VS.

5:03CV00156 JTR

LARRY NORRIS, Director
Arkansas Department of Correction

RESPONDENT

ORDER

Pending before the Court is Petitioner's Motion for a Certificate of Appealability. (Docket entry #42). He challenges the Court's January 23, 2012 Order (docket entry #37) denying his Motion for Relief From Judgment Pursuant to Rule 60(b) of the Federal Rules of Civil Procedure. In § 2554 habeas cases, a certificate of appealability requires "a substantial showing of the denial of a constitutional right." *See* 28 U.S.C. § 2253(c)(1)-(2). Petitioner has not made such a showing in this case.

Accordingly, the Court will deny Petitioner's Motion for a Certificate of Appealability. If Petitioner wishes to appeal the Court's denial of his Motion for Relief From Judgment, he must obtain a certificate of appealability from the Eighth Circuit Court of Appeals pursuant to 28 U.S.C. § 2253(c)(1).

IT IS THEREFORE ORDERED THAT Petitioner's Motion for a Certificate of

Appealability (docket entry #42) is DENIED.

Dated this 26th day of March, 2012.


UNITED STATES MAGISTRATE JUDGE