

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

GAVINO PATRICK MAZUREK

PETITIONER

v.

No. 5:14-cv-439-DPM


WENDY KELLEY, Director,  
Arkansas Department of Correction

RESPONDENT

ORDER

The Court remains convinced that the narrow exception created by *Martinez and Trevino* doesn't apply to Mazurek's defaulted claims. *No 9 & 10*. Mazurek's motion for a certificate of appealability, *No 13*, is therefore denied. 28 U.S.C. § 2253(c)(1)-(2); *Khaimov v. Crist*, 297 F.3d 783, 786 (8th Cir. 2002). Because no certificate will issue, Mazurek's motion to proceed *in forma pauperis* on appeal, *No 14*, is denied as well.

So Ordered.

  
\_\_\_\_\_  
D.P. Marshall Jr.  
United States District Judge

2 December 2015