

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

GILBERTO GUERRA  
ADC #123482

PETITIONER

v.

No. 5:16-cv-57-DPM

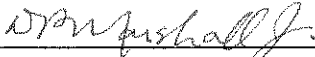
WENDY KELLEY, Director, ADC

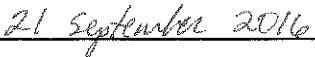
RESPONDENT

ORDER

Guerra moves for a certificate of appealability. It appears the motion may have been intended for the United States Court of Appeals for the Eighth Circuit. *No 35 at 1*. In any event, this Court remains convinced that Guerra's claims are time-barred and procedurally defaulted. *No 32*. His motion for a certificate of appealability from this Court, *No 35*, 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, Guerra's motion to appoint counsel, *No 37-1*, is denied as well.

So Ordered.

  
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D.P. Marshall Jr.  
United States District Judge

  
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21 September 2016