

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION

ANTHONY BONNER,	:	
	:	
Petitioner,	:	
	:	
VS.	:	NO. 5:16-cv-00322-CAR-MSH
	:	
WARDEN EDWARD PHILBIN, JR.,	:	
	:	
Respondent.	:	
_____	:	

**ORDER**

Petitioner Anthony Bonner has filed a Motion for Certificate of Appealability (“COA”) and a Motion for Leave to Appeal *in forma pauperis*. Mot. for Certificate of Appealability, ECF No. 22; Mot. for Leave to Appeal *In Forma Pauperis*, ECF No. 23.

In the June 21, 2017, Recommendation to this Court, the United States Magistrate Judge found that Petitioner had not made a substantial showing of the denial of a constitutional right and recommended that this Court deny a certificate of appealability in its final order. R. & R. 8, ECF No. 17. This Recommendation was subsequently adopted and made the Order of the Court. *See* Order, Sept. 8, 2017, ECF No. 19. Petitioner has thus already been **DENIED** a COA. *See id.*

In his motion for a COA, Petitioner asserts that the Court indicated that a later application for a COA would be reviewed *de novo*. Mot. for Certificate of Appealability 4, ECF No. 22. The Magistrate Judge’s Report and Recommendation indicated that Petitioner’s objections would be reviewed *de novo*. R. & R., June 21, 2017, ECF No. 17. Thereafter, this Court reviewed Petitioner’s objections *de novo* before adopting the recommendation that a COA be denied. Order Adopting R. & R., ECF No. 12. Thus, Petitioner has already received a *de novo* review of his request for a COA.

Additionally, to the extent that Petitioner seeks reconsideration of the denial of a COA, he has not set forth any basis for reconsideration in this regard. *See McCoy v. Macon Water Auth.*, 966 F. Supp. 1209, 122-23 (M.D. Ga. 1997) (explaining that reconsideration is only proper based on an intervening change in the law, the discovery of previously unavailable evidence, or clear error). Thus, any request for reconsideration is **DENIED**.

Finally, as Petitioner has been denied a COA, Petitioner's motion to proceed *in forma pauperis* on appeal is therefore also **DENIED** as **MOOT**.

**SO ORDERED**, this 12th day of October, 2017.

S/ C. Ashley Royal  
C. ASHLEY ROYAL, SENIOR JUDGE  
UNITED STATES DISTRICT COURT