

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF GEORGIA APR 20 PM 3:57
SAVANNAH DIVISION

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ROBERT LEE JONES,)
)
Petitioner,)
)
v.)
)
CLAY TATUM, Warden,)
)
Respondent.)
)

CASE NO. CV415-065

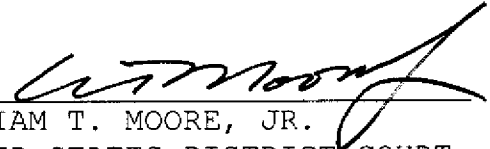
O R D E R

This case was returned to this Court on a limited remand from the Eleventh Circuit Court of Appeals to determine whether a Certificate of Appealability ("COA") is appropriate for any of the issues appellant seeks to raise on appeal. (Doc. 27 at 1.) While this Court has already determined that Petitioner is not entitled to a COA,¹ it will once again confirm that earlier ruling in an attempt to satisfy the Court of Appeals's directive. In this case, any request for a COA is **DENIED** because Petitioner has not "made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c). Should the

¹ It appears that the Eleventh Circuit is under the misapprehension that when adopting the Magistrate Judge's Report and Recommendation, this Court "made no ruling with respect to a COA." (Doc. 27 at 1.) However, this Court adopted the totality of the report and recommendation (Doc. 22 at 1), which included the recommendation that no COA should issue (Doc. 15 at 7-8).

Court of Appeals have any doubt, any request by Petitioner for in forma pauperis status on appeal is **DISMISSED AS MOOT** based on this Court's denial of a COA.

SO ORDERED this 20th day of April 2016.



WILLIAM T. MOORE, JR.
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA