

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

FILED
U.S. DISTRICT COURT
SAVANNAH DIV.
2017 JUN 29 PM 2: 13

TIMECKA GREEN,)
)
Petitioner,)
)
v.)
)
UNITED STATES OF AMERICA,)
)
Respondent.)

CASE NOS. CV417-001
CR415-204

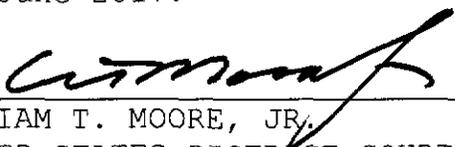
ORDER

Before the Court is Petitioner's Notice of Appeal (Doc. 12), which the Eleventh Circuit Court of Appeals has directed (Doc. 15) this Court to construe as a Motion for Certificate of Appealability ("COA").¹ (Doc. 15.) Pursuant to 28 U.S.C. § 2253(c), an appeal may not be taken in this matter unless the court first issues a COA. This certificate may issue only if Petitioner has made a substantial showing of the denial of a constitutional right. Slack v. McDaniel, 529 U.S. 473, 484 (2000). The Court has carefully considered Petitioner's case and

¹ This Court must point out that it has expressly denied such a request on two occasions. First, the Court adopted (Doc. 10) the Magistrate Judge's Report and Recommendation (Doc. 7), which recommended that Petitioner not receive a COA. Because it has been insufficient for the Eleventh Circuit in the past, the Court also expressly stated that no COA should issue in that same order. (Doc. 10 at 1.) Apparently, that is still not enough. The Eleventh Circuit now commands this Court to construe Petitioner's notice of appeal as yet another request for a COA that requires a third determination of whether Petitioner is entitled to the certificate. Hopefully, the third time is the charm.

finds that he cannot meet the above standard. As a result, any request by Petitioner for leave to appeal in forma pauperis would be moot. Accordingly, Petitioner's construed Motion for Certificate of Appealability (Doc. 12) is **DENIED**.

SO ORDERED this 29th day of June 2017.



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