

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

MELVIN WILLIS,

Petitioner,

v.

WARDEN GEORGE T. SMITH,

Respondent.

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CV 600-028

O R D E R

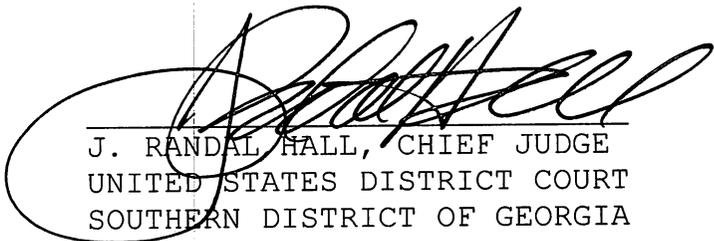
Petitioner filed this 28 U.S.C. § 2254 action in 2000. (Doc. 1.) The case was dismissed as time barred on November 21, 2000. (Doc. 22.) The Eleventh Circuit affirmed the dismissal. (Docs. 31, 32.) Fourteen years later, Petitioner filed a motion for reconsideration of the Order of Dismissal. (Doc. 34.) The motion was promptly denied as untimely. (Doc. 35.) The Eleventh Circuit denied a certificate of appealability in Petitioner's appeal of that decision. (Doc. 40; see also Doc. 38 (this Court's denial of certificate of appealability and *in forma pauperis* status on appeal).)

Nearly two years thereafter, Petitioner filed a motion to vacate the judgment of November 21, 2000. (Doc. 41.) On March 7, 2017, this Court denied the motion to vacate. (Doc. 45.) Petitioner filed a notice of appeal from the March 7, 2017 Order

and sought to proceed on appeal *in forma pauperis*. (Docs. 46, 49.) On April 18, 2017, this Court denied Petitioner's motion to proceed *in forma pauperis* on appeal because it could discern "no non-frivolous issues to raise on appeal" and therefore concluded that the appeal had "not been taken in good faith." (Doc. 50, at 2.)

Presently, the Eleventh Circuit wishes this Court to state its opinion on whether Petitioner is entitled to a Certificate of Appealability in this case. As stated in the Court's Order dated April 18, 2017, this Court is unable to discern any non-frivolous issues that Petitioner could raise on appeal. (See Doc. 50, at 2.) Because of its frivolity, Petitioner has failed to make a substantial showing of the denial of a constitutional right. Therefore, this Court will not issue a Certificate of Appealability in this case. See 28 U.S.C. § 2253(c).

ORDER ENTERED at Augusta, Georgia, this 31ST day of July, 2017.


J. RANDAL HALL, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA