UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF GEORGIA STATESBORO DIVISION

SHAKITA EASON,)	
Movant,)	
v.)	
UNITED STATES OF AMERICA,)	6:14-cv-73 6:13-cr-7
Respondent.)	

ORDER

Before the Court is Shakita Eason's Motion to Dismiss. ECF No. 11. Eason's Motion was filed after the Court entered a judgment denying her 28 U.S.C. § 2255 petition. See ECF No. 6. Eason alleges that the Court is without jurisdiction to deny her construed request for a Certificate of Appealability ("COA"). Id. at 1. Eason is incorrect. District courts are given explicit jurisdiction to issue COAs under the Federal Rules of Appellate Procedure. See Fed. R. App. P. 22(b)(1). In addition, the Eleventh Circuit has held that district courts should act before the appellate court: "[d]istrict courts must consider and rule upon the propriety of issuing the COA first, that is, before a request for a COA will be received of acted on by this court or a judge of this court." Edwards v. United States, 114 F.3d 1083, 1084 (11th Cir. 1997); see also Perez v. Sec'y, Fla. Dep't of Corr., 711 F.3d 1263, 1264 (11th Cir. 2013) ("We generally require the district court to rule on the propriety of a COA before we address a request for a COA in this Court.").

Therefore, the Eason's Motion to Dismiss is **DENIED**.

The \mathcal{L} day of November 2014

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF GEORGIA