

**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
SPRINGFIELD DIVISION**

STEVEN STEWARD, et al.,)	
)	
Petitioners,)	
)	
)	No. 07-3327
)	
LARRY PHILLIPS,)	
)	
Respondent.)	

OPINION

JEANNE E. SCOTT, U.S. District Judge:

This matter comes before the Court on Petitioner Steven Steward’s Combined Motion for Certificate of Appealability: Notice of Appeal and Motion for Appointment of Counsel on Appeal (d/e 35 and 36). Petitioner’s request for appointment of counsel on appeal will be forwarded to the Court of Appeals for its consideration.

The request for a certificate of appealability is denied. This Court dismissed the Petition (d/e 2) because the Petitioners were not entitled to habeas relief. Opinion entered December 3, 2008 (d/e 19), at 2-3. This Court may only issue certificates of appealability if a petitioner makes a substantial showing of a violation of a constitutional right. 28 U.S.C.

2253(c); Fed. R. App. P. 22(b). When a habeas petition is denied, a certificate of appealability is appropriate only if a petitioner shows that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right. Slack v. McDaniel, 529 U.S. 473, 484 (2000). A reasonable jurist would not find debatable this Court's conclusion that Petitioner does not have a claim of a denial of a constitutional right that would entitle him to habeas review. The Court therefore denies his request for a certificate of appealability.

THEREFORE, Petitioner Steven Steward's Combined Motion for Certificate of Appealability: Notice of Appeal and Motion for Appointment of Counsel on Appeal (d/e 35 and 36) is DENIED in part. The request for a certificate of appealability (d/e 35) is denied, and the request for appointment of counsel is referred to the Court of Appeals. The Clerk is directed to forward the Motion for Appointment of Counsel on Appeal (d/e 36) to the Court of Appeals for its consideration.

IT IS THEREFORE SO ORDERED.

ENTER: January 7, 2009

FOR THE COURT:

s/ Jeanne E. Scott
JEANNE E. SCOTT
UNITED STATES DISTRICT JUDGE