

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

ANTHONY COLLINS, et al.,)	
)	
Petitioner,)	
)	
)	No. 07-3327
)	
LARRY PHILLIPS,)	
)	
Respondent.)	

OPINION

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

This matter comes before the Court on Petitioner Anthony Collins’ Combined Motion for Certificate of Appealability: Notice of Appeal and Motion for Appointment of Counsel on Appeal (d/e 53 and 54). 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 Petitioner was not entitled to habeas relief. Opinion entered December 3, 2008 (d/e 19), at 2-3.¹ This

¹Collins states that he mailed this Notice of Appeal (d/e 53) on December 16, 2008. Notice of Filing/Proof of Service (d/e 55). The Clerk did not docket the Notice of Appeal until February 10, 2009.

Court may only issue a certificate 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 relief. The Court therefore denies his Request for a Certificate of Appealability.

THEREFORE, Petitioner Anthony Collins' Combined Motion for Certificate of Appealability: Notice of Appeal and Motion for Appointment of Counsel on Appeal (d/e 53 and 54) is DENIED in part. The Request for a Certificate of Appealability (d/e 54) 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 to the Court of Appeals for its consideration.

IT IS THEREFORE SO ORDERED.

ENTER: February 13, 2009

FOR THE COURT:

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