

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

JAMES EARL TAYLOR,)	
)	
Petitioner,)	
)	
vs.)	CIVIL NO. 09-cv-438-MJR
)	
BRADLEY J. ROBERT, et al.,)	
)	
Respondents.)	

MEMORANDUM AND ORDER

REAGAN, District Judge:

This matter is before the Court on Petitioner's motion for a certificate of appealability (Doc. 7). Petitioner filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 which this Court determined was a second or successive § 2254 action. Because Petitioner had not received permission to file a second or successive § 2254 action in this Court from the Seventh Circuit Court of Appeals, this Court dismissed the action for lack of jurisdiction. 28 U.S.C. § 2244(b)(3)(A). Petitioner filed a notice of appeal with respect to the dismissal of his action. *See* (Doc. 7). The Seventh Circuit construed Petitioner's notice of appeal as a request for certification of appeal and denied him a certificate of appealability. *See* (Doc. 10). Accordingly, the instant motion for a certificate of appealability (Doc. 7) is **DENIED** as moot.

IT IS SO ORDERED.

DATED this 5th day of October, 2010.

s/ Michael J. Reagan
MICHAEL J. REAGAN
United States District Judge