

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

COLUMBUS MALONE,)	
)	
Petitioner)	
)	
v.)	Cause No.: 2:10-CV-457
)	(arising out of 2:02-CR-44(2)RM)
UNITED STATES OF AMERICA,)	
)	
Respondent)	

OPINION AND ORDER

The court construes Columbus Malone’s notice of appeal challenging the court’s May 25, 2011 order denying his petition under 28 U.S.C. § 2255, as a motion for leave to proceed *in forma pauperis* on appeal and for a certificate of appealability.

Issuance of a certificate of appealability requires the court to find that Mr. Malone has made “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2); Miller-El v. Cockrell, 537 U.S. 322, 336 (2003). This means he must show “that reasonable jurists could debate whether (or, for that matter, agree that) the petition should have been resolved in a different manner or that the issues presented were ‘adequate to deserve encouragement to proceed further.’” Miller-El v. Cockrell, 537 U.S. at 336. For the reasons stated in the May 25, 2011 opinion and order denying his habeas petition, Mr. Malone is far from meeting that burden. Accordingly, the court denies his motion for a certificate of appealability.

