

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
AT LOUISVILLE  
CIVIL ACTION NO. 3:08-CV-P455-S

ARTHUR WILLIS

PETITIONER

v.

COMMONWEALTH OF KENTUCKY

RESPONDENT

**MEMORANDUM OPINION**

This matter is before the Court after preliminary review of Arthur Willis's *pro se* petition for a writ of habeas corpus under 28 U.S.C. § 2254. The Court ordered Petitioner to show cause why this petition should not be dismissed as time-barred under the doctrine of equitable tolling and, in his response, Petitioner avers generally that he is ignorant of the law, lacks adequate resources and is generally disadvantaged by circumstances in prison. None of these circumstances supports equitably tolling § 2244's limitation period under *Dunlap v. United States*, 250 F.3d 1001, 1008 (6<sup>th</sup> Cir. 2001). The Court will therefore enter a separate order dismissing this petition.

**Certificate of Appealability**

Before seeking an appeal, § 2253 requires a petitioner to make a substantial showing of the denial of a constitutional right. This does not require a showing that the appeal will succeed. *Slack v. McDaniel*, 529 U.S. 473 (2000). Rather, the petitioner must show that reasonable jurists could find debatable whether the petition should be resolved in a different manner or that the matter deserves further review. *Miller-El v. Cockrell*, 537 U.S. 322 (2003). This Court concludes no reasonable jurist would find debatable the conclusion that the petition is time-

barred and that the doctrine of equitable tolling is not applicable.

DATED: July 22, 2009

A handwritten signature in black ink, appearing to read "C. R. Simpson III", is written over the circular seal of the United States District Court. The seal features an eagle with wings spread, holding an olive branch and arrows, with a shield on its chest. The words "UNITED STATES DISTRICT COURT" are visible around the perimeter of the seal.

**Charles R. Simpson III, Judge  
United States District Court**

cc: Petitioner, *pro se*  
Respondent  
Attorney General, Commonwealth of Kentucky

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