

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

**WILLIE PRICE, JR.**

**CIVIL ACTION**

**versus**

**NO. 12-2285**

**STATE OF LOUISIANA**

**SECTION "C" (3)**

**ORDER AND REASONS**

Petitioner seeks reconsideration of this Court's denial of Certificate of Appealability ("COA") and submits a separate motion for COA. Rec. Docs. 21 & 24. For petitioner's motion for reconsideration, the Court ordered that any opposition be filed into the record by October 23, 2013 at 4:30 pm, at which time the Court would take the motion under advisement on the briefing. Rec. Doc. 22. Although no opposition was filed, petitioner submitted a response or reply in support of his own motion consisting of 677 pages of documents related to his case. Rec. Doc. 26. The petitioner has also filed a notice of appeal, raising the same arguments and unexhausted claims presented in petitioner's Objections to the Magistrate Judge's Report and Recommendation. Rec. Doc. 15.

The Court denied a COA in this case because the petitioner failed to show a violation of his constitutional rights in the claims pursued in his original petition for habeas corpus relief. Rec. Doc. 20. Petitioner's recent submissions also fail to illuminate a constitutional violation among his original claims. Therefore, these new submissions furnish no basis for reconsideration of the Court's denial of COA. Petitioner's motions will be DENIED.

The Court notes that the Fifth Circuit Court of Appeal can treat petitioner's notice of appeal as an application for COA. *See Slack v. McDaniel*, 529 U.S. 473, 483, 120 S. Ct. 1595, 1603, 146 L. Ed. 2d 542 (2000).

Accordingly,

IT IS ORDERED that petitioner's Motion for Reconsideration and Motion for a Certificate of Appealability are DENIED. Rec. Docs. 21 & 24.

New Orleans, Louisiana this 12th day of November, 2013.

  
HELEN G. BERRIGAN  
UNITED STATES DISTRICT COURT