

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 12-10498-RWZ

NATHAN MARQUIS LeBARON

v.

ANTHONY MENDONSA, Superintendent

Order on Application of Certificate of Appealability
June 7, 2012

ZOBEL, D.J.

After Nathan Marquis LeBaron's first petition for a writ of habeas corpus, C. A. 11-10114-RWZ, was dismissed for failure to exhaust state remedies, he filed a second petition, also under 28 U.S.C. § 2254, "for federal assistance in order to exhaust" state remedies. He disagrees with the state court's statement that he has received all the material transcripts and asserts that appointed counsel refuses to help. He requested this court "to provide some type of relief taylored (sic.) to the peculiar nature of the ongoing delays."

This court denied the relief requested in this second petition also for failure to exhaust state remedies. Petitioner's quarrel is with the state court's judgment that he has adequate transcripts to prosecute his appeal and, apparently, with his counsel in the state court for failing to respond to him. Neither claim is within this court's authority under the habeas statute. I can discern no legal basis for petitioner to argue the violation of a constitutional right. 28 U.S.C. §2253 (d)(1). Accordingly, the certificate

of appealability is denied.

June 7, 2012

DATE

/s/Rya W. Zobel

RYA W. ZOBEL

UNITED STATES DISTRICT JUDGE