

contentions present colorable claims of a substantial showing of the denial of a constitutional right, and it further appears that a reasonable jurist could disagree with the Court's conclusions.

Accordingly, a certificate of appealability is GRANTED as to (1) whether petitioner's motion under Mass. R. Crim. P. 25 was a "properly filed application for State post-conviction or other collateral review," thereby suspending the one-year limitations period under AEDPA, 28 U.S.C. § 2244(d)(2); and (2) whether the limitations period should be equitably tolled.

So Ordered.

Dated: May 15, 2017

/s/ F. Dennis Saylor
F. Dennis Saylor IV
United States District Judge