

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

NATHAN WYATT,

Petitioner,

v.

Case Number 09-10285-BC  
Honorable Thomas L. Ludington

MILLICENT WARREN,

Respondent.

**ORDER DENYING CERTIFICATE OF APPEALABILITY AND APPLICATION TO  
PROCEED IN FORMA PAUPERIS**

On January 12, 2010, the Court denied Petitioner Nathan Wyatt's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On February 18, 2010, Petitioner filed an application to proceed in forma pauperis on appeal [Dkt. #14], and a motion for certificate of appealability [Dkt. #15]. When the Court denied Petitioner's petition for a writ of habeas corpus on January 12, 2010, the Court denied Petitioner leave to proceed in forma pauperis on appeal, because an appeal would be frivolous and could not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3). The Court also denied Petitioner a certificate of appealability because he did not make a substantial showing of the denial of a constitutional right. *See* 28 U.S.C. § 2253(c)(2).

Accordingly, it is **ORDERED** that Petitioner's application to proceed in forma pauperis on appeal [Dkt. #14] and motion for certificate of appealability [Dkt. #15] are **DENIED**.

s/Thomas L. Ludington \_\_\_\_\_  
THOMAS L. LUDINGTON  
United States District Judge

Dated: March 1, 2010

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on March 1, 2010.

s/Tracy A. Jacobs  
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TRACY A. JACOBS