

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

LARRY DARRYL STEED,

Petitioner,

Case Number: 2:06-CV-13932

v.

HON. LAWRENCE P. ZATKOFF

MILLICENT WARREN,

Respondent.

\_\_\_\_\_ /

**ORDER DENYING MOTION FOR CERTIFICATE OF APPEALABILITY**

Petitioner Larry Darryl Steed has appealed the Court's opinion and judgment denying his habeas corpus petition. Currently pending before the Court is Petitioner's motion for certificate of appealability [dkt 17].

A certificate of appealability may be issued "only if the applicant has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). In order to make such a substantial showing, a petitioner must show that "reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

In his petition for habeas corpus, Petitioner claimed that he was denied his Sixth Amendment right to his counsel of choice when the trial court denied Petitioner's motion to substitute his appointed counsel for his newly retained counsel three days before trial was to begin.

The Court has reviewed this issue as well as the supporting materials. For the reasons stated in the Court's July 29, 2009, opinion and order, a certificate of appealability is DENIED because

reasonable jurists would not debate whether the petition states a valid claim of the denial of a constitutional right or whether the Court was correct on its procedural ruling.

Accordingly, IT IS ORDERED that no certificate of appealability shall issue in this matter.

IT IS SO ORDERED.

s/Lawrence P. Zatkoff  
LAWRENCE P. ZATKOFF  
UNITED STATES DISTRICT JUDGE

Dated: November 3, 2009

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on November 3, 2009.

s/Marie E. Verlinde  
Case Manager  
(810) 984-3290