

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DETRICK DAVIS,

Petitioner,

Case No: 07-14604  
HON. AVERN COHN

v.

PERCY CONERLY,

Respondent.

**ORDER DENYING MOTION FOR CERTIFICATE OF APPEALABILITY AS MOOT**

This is a habeas case under 28 U.S.C. § 2254. Petitioner Detrick Davis (“Petitioner”) filed a pro se petition for writ of habeas corpus raising claims of prosecutorial misconduct, ineffective assistance of trial counsel, and ineffective assistance of appellate counsel. On February 18, 2010, the Court issued a Memorandum and Order dismissing the petition for failure to comply with the one-year statute of limitations and denying a certificate of appealability.

Before the Court is Petitioner’s motion for a certificate of appealability (“COA”). Given that the Court has already determined that Petitioner is not entitled to a COA, the motion is DENIED AS MOOT. To the extent that the motion for a COA is construed as a motion for reconsideration, it is also denied as Petitioner has failed to show that reasonable jurists would debate whether the petition is time barred or whether Petitioner’s claims deserve to proceed further.

SO ORDERED.

Dated: March 22, 2010

S/Avern Cohn  
AVERN COHN  
UNITED STATES DISTRICT JUDGE

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was mailed Detrick Davis, 431173, Mid-Michigan Correctional Facility, 8201 N. Croswell Road, St. Louis, MI 48880 to the attorneys of record on this date, March 22, 2010, by electronic and/or ordinary mail.

S/Julie Owens  
Case Manager, (313) 234-5160