UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

DENNIS PERDUE, #372392,

Petitioner,

v.

CASE NO. 2:08-CV-13575 HONORABLE PATRICK J. DUGGAN

NICK LUDWICK,

Respondent.

OPINION AND ORDER DENYING PETITIONER'S MOTION FOR A CERTIFICATE OF APPEALABILITY AS MOOT

At a session of said Court, held in the U.S. District Courthouse, Eastern District of Michigan on July 16, 2010.

PRESENT: HONORABLE PATRICK J. DUGGAN U.S. DISTRICT COURT JUDGE

Michigan prisoner Dennis Perdue ("Petitioner") filed a petition for a writ of habeas

corpus pursuant to 28 U.S.C. § 2254 asserting that he is being held in violation of his

constitutional rights. On June 8, 2010, the Court denied the petition and also denied

Petitioner a Certificate of Appealability ("COA"). Presently before the Court is

Petitioner's Motion for Issuance of Certificate of Appealability, filed on June 25, 2010.

Although the case is captioned to the United States Court of Appeals for the Sixth Circuit,

the motion was docketed in this Court. Because the Court already denied Petitioner a

COA in the June 8, 2010, opinion and order, the Court denies the present motion as moot.

Petitioner should address and file any further requests in the Sixth Circuit.

Accordingly,

IT IS ORDERED that Petitioner's Motion for Issuance of Certificate of

Appealability is **DENIED AS MOOT**.

<u>s/PATRICK J. DUGGAN</u> UNITED STATES DISTRICT JUDGE

Copies to: Dennis Perdue, #372392 St. Louis Correctional Facility 8585 N. Croswell Road St. Louis, Michigan 48880

Brian O. Neill, Asst. Attorney General