UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHRISTOPHER PAUL ST. JOHN,

Petitioner,

v.

DEBRA L. SCUTT,

Respondent.

_____/

CASE NO. 2:08-cv-14524

PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

ORDER GRANTING PETITIONER'S MOTION FOR CLARIFICATION

Petitioner Christopher Paul St. John has appealed the Court's Opinion and Order denying his habeas corpus petition. Pending before the Court is Petitioner's "Motion for Clarification/Verification Regarding Issues that have been Granted a Certificate of Appealability." The motion seeks an order confirming that this Court granted Petitioner a certificate of appealability on habeas issues one, three, and six.

The habeas corpus petition alleged that (1) the state appellate court's decision affirming Petitioner's conviction was an unreasonable application of *Jackson v. Virginia*, 443 U.S. 307 (1979), (2) the prosecutor's closing arguments and cross-examination of Petitioner were improper, (3) the trial court erroneously reserved a ruling on Petitioner's motion for a directed verdict of acquittal, (4) the trial court erred in failing to issue findings of fact and conclusions of law in its decision on Petitioner's motion for relief

from judgment, (5) the state appellate court decisions denying relief on collateral review were wrong, and (6) Petitioner was convicted of violating an unconstitutional statute. On March 21, 2011, the Court issued an Opinion and Order denying the habeas petition, but granting a certificate of appealability on habeas claims one and three regarding the sufficiency of the evidence and the denial of Petitioner's motion for a directed verdict of acquittal. *See* document #21, dated March 21, 2011.

In a motion for rehearing, Petitioner sought a certificate of appealability on his sixth habeas claim regarding the constitutionality of the accosting statute, which he was convicted of violating. On June 2, 2011, the Court granted Petitioner's motion for rehearing and certified habeas claim six for appeal. *See* document #24, dated June 2, 2011. Although Petitioner subsequently asked the Court to certify habeas claim five, the Court denied that request because the claim is not cognizable on habeas review and does not deserve encouragement to proceed further. *See* document #34, dated August 8, 2011.

Petitioner is correct in recognizing that the Court has, indeed, granted a certificate of appealability on issues one, three, and six and denied a certificate of appealability on habeas claims two, four, and five. Accordingly, Petitioner's Motion for Clarification/Verification [document #36, dated Sept. 14, 2011] is **GRANTED**.

PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Dated: 10-20-11