

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PAUL R. MANIZAK, #193140,

Plaintiff,

v.

CASE NO. 2:13-CV-11274
HONORABLE GEORGE CARAM STEEH

ANDREW KELLEY, et al.,

Defendants.

**ORDER DENYING MOTION FOR A CERTIFICATE OF
APPEALABILITY AND DENYING APPLICATION TO PROCEED
WITHOUT PREPAYMENT OF APPELLATE FILING FEE**

This matter is before the Court on Plaintiff's motion for a certificate of appealability and his application to proceed without prepayment of the appellate filing fee concerning the Court's dismissal of his *pro se* civil rights complaint brought pursuant to 42 U.S.C. § 1983. In dismissing the complaint, the Court concluded that an appeal would be frivolous and could not be taken in good faith. The Court finds no reason to reconsider that decision. A motion for reconsideration which presents issues already ruled upon by the Court, either expressly or by reasonable implication, will not be granted. *Hence v. Smith*, 49 F. Supp. 2d 547, 550 (E.D. Mich. 1999); *Czajkowski v. Tindall & Assoc., P.C.*, 967 F. Supp. 951, 952 (E.D. Mich. 1997). Plaintiff has not met his burden of showing a palpable defect by which the Court has been misled or his burden of showing that a different disposition must result from a correction thereof, as required by Local Rule 7.1(h)(3). Accordingly, the Court **DENIES** Plaintiff's motion for a certificate of appealability and his application to proceed on appeal without prepayment of fees and costs. *See* 28 U.S.C. § 1915(a)(3); *McGore v. Wigglesworth*, 114 F.3d 601, 610-11 (6th Cir. 1997).

IT IS SO ORDERED.

Dated: June 27, 2013

S/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record
and Paul Manizak #388677, Oakland County Jail,
P.O. Box 436017, Pontiac, MI 48343 on
June 27, 2013, by electronic and/or ordinary mail.

s/Marcia Beauchemin
Deputy Clerk