

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

GREGORY TROTTER,

Petitioner,

Civil No. 2:13-cv-14824

Hon. Denise Page Hood

v.

MARY BERGHUIS,

Respondent.

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**ORDER DENYING MOTION TO HOLD CERTIFICATE OF  
APPEALABILITY IN ABEYANCE AND DENYING MOTION FOR  
PRODUCTION OF DNA SAMPLES [Dkts. 39 and 40]**

This is a habeas case under 28 U.S.C. § 2254. Petitioner filed a pro se petition for writ of habeas corpus raising several claims for relief. On November 30, 2017, the Court issued an Opinion and Order denying the petition. The Opinion also specifically denied Petitioner a certificate of appealability and permission to appeal in forma pauperis. The Court found that Petitioner was not entitled to proceed in forma pauperis on appeal because an appeal could not be taken in good faith as his claims are frivolous.

Before the Court is Petitioner's motion to hold the order denying a certificate of appealability in abeyance and his motion for production of DNA samples. [dkts. 39 and 40]. Petitioner asserts that under 34 U.S.C. 12592(b)(3)(c) he is entitled to DNA samples and testing. That section involves the FBI's maintenance of a DNA database

and a criminal defendant's access to information within it during his criminal case. It has no application to a request for new testing during a closed federal habeas proceeding. This Court has already determined in the opinion denying the petition that Petitioner is not entitled to a certificate of appealability or to proceed on appeal in forma pauperis. He offers no new arguments as to why the relief requested is warranted. The pending motions are therefore **DENIED**.

**SO ORDERED.**

S/Denise Page Hood  
Denise Page Hood  
Chief Judge, United States District Court

Dated: June 5, 2018

I hereby certify that a copy of the foregoing document was served upon counsel of record on June 5, 2018, by electronic and/or ordinary mail.

S/LaShawn R. Saulsberry  
Case Manager