

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MARCUS HANSERD,

Petitioner,

Case No. 16-cv-11099

Hon. Matthew F. Leitman

v.

TONY TRIERWEILER,

Respondent.

**ORDER DENYING MOTIONS FOR REHEARING EN BANC
TO OBTAIN A CERTIFICATE OF APPEALABILITY (ECF ##29, 30)**

On October 30, 2018, this Court denied state-prisoner Marcus Hanserd's petition for a writ of habeas corpus in a written Opinion and Order. (*See* Opinion and Order, ECF #22.) In that Opinion, and Order, the Court also declined to issue Hanserd a certificate of appealability. (*See id.* at Pg. ID 1201-1202.) On December 3, 2018, Hanserd filed a Notice of Appeal. (*See* ECF #25).

Also on December 3, 2018, Hanserd filed a Motion for Certificate of Appealability. (ECF #24.) Then, on December 27, 2018, Hanserd filed a "Motion for Rehearing EnBank to Obtain Certificate of Appealability." (ECF #27.) The Court denied both motions in an order dated January 10, 2019. (ECF # 28.) In that order, the Court declined to reconsider its decision to deny a certificate of appealability, and the Court directed the Clerk of the Court transfer Hanserd's

request for such a certificate to the United States Court of Appeals for the Sixth Circuit. (*See id.*) The Court explained that whether to grant a certificate of appealability is now a question for the Sixth Circuit. (*See id.*)

Hanserd nonetheless continues to file in this Court motions seeking a certificate of appealability. On January 25, 2019, and on February 1, 2019, Hanserd filed hand-written and typed versions of the same motion: a “Motion for Rehearing Enbanc to Obtain an Certificate of Appealability.” (ECF ##29, 30.) Given that the Court has already twice declined to issue a certificate of appealability and that the Court has already directed the transfer of Hanserd’s “Motion for A Certificate of Appealability” to the Sixth Circuit, this Court **DENIES** both of Hanserd’s “Motion[s] for Rehearing Enbanc to Obtain an Certificate of Appealability.” (ECF ##29, 30.)

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: March 26, 2019

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on March 26, 2019, by electronic means and/or ordinary mail.

s/Holly A. Monda
Case Manager
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