

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

STANFORD GARVIN,

Petitioner,

Case No. 17-10206

v.

DUNCAN MacLAREN,

Respondent.

HON. AVERN COHN

**ORDER DENYING PETITIONER'S
MOTION FOR A CERTIFICATE OF APPEALABILITY (Doc. 10)**

This is a habeas case under 28 U.S.C. § 2254. Stanford Garvin (Petitioner), challenged his 1989 guilty plea convictions of assault with intent to commit murder, unlawful driving away of an automobile, and possession of a firearm during the commission of a felony for which he is serving a sentence of 60 to 90 years. He raised two claims: (1) Petitioner's direct appeal should be reinstated where the lack of a direct appeal violated his constitutional rights, and (2) Petitioner should be allowed to withdraw his plea. The Court denied the petition as untimely. (Doc. 8) The Court also declined to issue a certificate of appealability. See Doc. 8 at p. 5.

Before the Court is Petitioner's motion for a certificate of appealability (COA). (Doc. 10). Given that the Court has already denied a COA, the motion is MOOT. Furthermore, construing Petitioner's motion as a motion for reconsideration of the denial of a COA, it is DENIED. Petitioner has not established that the Court erred in determining that reasonable jurists would not debate the Court's assessment of Petitioner's claims or conclude that his claims deserve encouragement to proceed further.

SO ORDERED.

S/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: October 17, 2017
Detroit, Michigan