

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMERO MOSES,

Petitioner,

v.

Civil Action. No.
12-CV-13623

HON. MARK A. GOLDSMITH

BONITA HOFFNER,

Respondent.

**OPINION AND ORDER DENYING PETITIONER'S
MOTION FOR A CERTIFICATE OF APPEALABILITY**

On April 29, 2013, the Court summarily denied Petitioner's application for a writ of habeas corpus on the ground that it was time-barred by the statute of limitations contained in 28 U.S.C. § 2244(d). The Court also declined to issue a certificate of appealability or to grant leave to appeal *in forma pauperis*. See Moses v. Hoffner, No. 12-CV-13263, 2013 WL 1800419 (E.D. Mich. Apr. 29, 2013). On June 10, 2013, the Court denied Petitioner's motion for reconsideration. See Moses v. Hoffner, No. 12-CV-13263, 2013 WL 2480670 (E.D. Mich. June 10, 2013). Petitioner has now filed a motion for a certificate of appealability in order to appeal the Court's denial of his motion for reconsideration.

A certificate of appealability is required to appeal the denial of a motion for reconsideration in a habeas case. See *e.g. Amr v. U.S.*, 280 Fed. App'x. 480, 486 (6th Cir. 2008)(issue of whether district court abused its discretion in denying defendant's motion for reconsideration was not the issue he was granted authority to appeal by district court in certificate of appealability, thus rendering Court of Appeals without authority to reach the merits of claim challenging calculation of time period for filing motion for reconsideration). This Court

will deny Petitioner a certificate of appealability, because jurists of reason would not find this Court's resolution of Petitioner's motion for reconsideration to be debatable.

Based upon the foregoing, the motion for a certificate of appealability [Dkt. # 20] is DENIED.

Dated: August 28, 2013
Flint, Michigan

s/Mark A. Goldsmith
MARK A. GOLDSMITH
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on August 28, 2013.

s/Deborah J. Goltz
DEBORAH J. GOLTZ
Case Manager