

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

STANLEY E. BOYD,	)		
	)		
Petitioner,	)		
	)		
v.	)	No.	4:91CV01428 ERW
	)		
PAUL K. DELO,	)		
	)		
Respondent.	)		

**MEMORANDUM AND ORDER**

This matter comes before the Court on remand from the Eighth Circuit Court of Appeals, in light of *Tiedeman v. Benson*, 122 F.3d 518 (8th Cir. 1997), for the purpose of determining whether to issue a certificate of appealability as to this Court’s recent denial of Petitioner Boyd’s Motion under Federal Rule of Civil Procedure 60(b)(6).

In denying Petitioner’s Motion, this Court discussed and interpreted a one-paragraph Order [ECF No. 3] issued by the Eighth Circuit, relating to the relevant procedural defaults at issue in Petitioner’s habeas case [See ECF No. 55 at 15-20]. Reasonable jurists might find this Court’s interpretation of said Order to be debatable. However, a certificate of appealability may only be issued when “the applicant has made a substantial showing of the denial of a constitutional right.” *See Slack v. McDaniel*, 529 U.S. 473, 483 (2000) (quoting 28 U.S.C. § 2253(c)(2)). As to Claims 3, 8, and 10, this Court finds Petitioner has made no such showing. Therefore, the Court shall not issue a certificate of appealability as to Petitioner’s Rule 60(b) Motion.

Accordingly,

**IT IS HEREBY ORDERED** that no Certificate of Appealability will be issued.

Dated this 20th Day of April, 2015.

A handwritten signature in black ink, appearing to read "E. Richard Webber", written in a cursive style.

---

E. RICHARD WEBBER  
SENIOR UNITED STATES DISTRICT JUDGE