

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

KENNETH GRAY,)	
)	
Petitioner,)	
)	
v.)	No. 4:09-CV-1355 RWS
)	
JEFF NORMAN,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

This matter comes before me on petitioner’s motion for leave to proceed in forma pauperis on appeal and motion for certificate of appealability. Both motions will be granted.

I have reviewed petitioner’s motion for certificate of appealability, and I now find that “jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right” on grounds one and two of the petition. Khaimov v. Crist, 297 F.3d 783, 785 (8th Cir. 2002) (quotation omitted). As a result, I will issue a certificate of appealability on these two grounds. 28 U.S.C. § 2253(c).

Accordingly,

IT IS HEREBY ORDERED that petitioner’s motion for leave to proceed in forma pauperis [Doc. 38] is **GRANTED**.

IT IS FURTHER ORDERED that petitioner's motion for certificate of appealability [Doc. 40] is **GRANTED in part**.

IT IS FURTHER ORDERED that the Court hereby issues a certificate of appealability on grounds one and two of the petition.

Dated this 16th day of October, 2012.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE