

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

JOHN THEBEAU,	)	
	)	
Petitioner,	)	
	)	
vs.	)	Case No. 4:09CV1660 RWS
	)	
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

**MEMORANDUM AND ORDER**

This Court has twice denied petitioner a certificate of appealability. The first time, the Court denied a certificate of appealability when it denied his § 2255 motion on March 9, 2011. The second time, the Court denied a certificate of appealability on April 19, 2011 upon motion of petitioner. Now before the Court is another motion for certificate of appealability, which looks identical to the one just denied by the Court. This motion appears to be filed in this Court in error. However, to the extent petitioner intended to file yet another motion for certificate of appealability in this Court, it is denied for the same reasons that the previous two certificates of appealability were denied, namely, that petitioner has not made a substantial showing of the denial of a federal constitutional right. In the event petitioner intended to file this motion with the Eighth Circuit Court of Appeals, the Court will send a copy of this Memorandum and Order, together with a copy of petitioner’s motion, to the attention of the Eighth Circuit Clerk’s Office.

Accordingly,

**IT IS HEREBY ORDERED** that petitioner's motion for certificate of appealability  
[#19] is denied. .



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RODNEY W. SIPPEL  
UNITED STATES DISTRICT JUDGE

Dated this 21st day of April, 2011.