

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

BILLY RAY TURNER, JR.,

Petitioner,

v.

JAY CASSADY,

Respondent.

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No. 4:13CV02470 ERW

**MEMORANDUM AND ORDER**

This matter comes before the Court on Petitioner Billy Ray Turner, Jr.'s "Motion for Corrective Order as to Certificate of Appealability" [ECF No. 43].

The disposition of Petitioner's Amended Petition for Writ of Habeas Corpus is pending in this Court. On July 29, 2014, the Court issued an Order denying several ancillary motions made by Petitioner [ECF No. 34]. On August 11, 2014, Petitioner filed a Notice of Appeal as to the Court's Order [ECF No. 38], as well as a motion seeking a certificate of appealability regarding the Court's Order [ECF No. 40]. This Court found Petitioner had not made a substantial showing of the denial of a constitutional right, thus refusing to issue a certificate of appealability [ECF No. 41 at 1-2]. Subsequently, Petitioner filed his "Motion for Corrective Order as to Certificate of Appealability" [ECF No. 43]. In the Motion, Petitioner appears to be claiming the Court failed to sufficiently address his request for a certificate of appealability.

Regardless of how the present Motion is construed, it must be denied. The Court reiterates its determination Petitioner did not make (either in his original Motion for Certificate of Appealability [ECF No. 40] or his present Motion) a substantial showing of the denial of a constitutional right. Further, the Eighth Circuit has already adjudicated Petitioner's appeal,

affirming this Court's July 2014 Order [ECF No. 47]. Therefore, the Court will deny Petitioner's Motion as moot.

Accordingly,

**IT IS HEREBY ORDERED** that Petitioner Billy Ray Turner, Jr.'s "Motion for Corrective Order as to Certificate of Appealability" [ECF No. 43], is **DENIED as moot**.

Dated this 3rd Day of August, 2015.



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E. RICHARD WEBBER  
SENIOR UNITED STATES DISTRICT JUDGE