

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

| | | |
|--------------------------|---|-------------------|
| KEVIN G. SMITH, |) | 8:10CV278 |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | MEMORANDUM |
| |) | AND ORDER |
| ROBERT BAKEWELL, Warden, |) | |
| |) | |
| Respondents. |) | |

This matter is before the court on its own motion. On February 28, 2011, the court granted Petitioner one additional opportunity to submit a motion for certificate of appealability and brief in support no later than March 28, 2011. (Filing No. [17](#).) In that Memorandum and Order, the court warned Petitioner that “[i]n the event that Petitioner fails to file a motion and brief . . . the court will deny the issuance of a certificate of appealability without further notice.” (*Id.* at CM/ECF p. 2.) Petitioner did not file such pleadings and has taken no other action in this matter.

IT IS THEREFORE ORDERED that:

1. Petitioner has not requested, and the court declines to issue, a certificate of appealability.

2. The Clerk of the court shall provide the Court of Appeals with a copy of this Memorandum and Order.

DATED this 13th day of June, 2011.

BY THE COURT:

Richard G. Kopf
United States District Judge