

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

x
GEORGE PHILIPS,

Petitioner,

-against-

WILLIAM BROWN,

Respondent.

MEMORANDUM

Case No. 08-CV-2625

Case No. 08-CV-2626

x

Appearances:

For the Petitioner:

HERALD PRICE FAHRINGER, ESQ.

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GEORGE PHILIPS, *pro se*

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Eastern Correctional Facility

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For the Respondent:

RICHARD BROWN, ESQ.

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By: JOHN CASTELLANO, ESQ.

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By: JASON WEINSTEIN, ESQ.

MARGARET MAINSUCH, ESQ.

Assistant District Attorneys

BLOCK, Senior District Judge:

On May 23, 2011, the Court denied George Philips's petitions for writs of *habeas corpus* pursuant to 22 U.S.C. § 2254. It did not issue a certificate of appealability because Philips did not made a substantial showing of the denial of a constitutional right. See 28 U.S.C. § 2253(c).

On January 23, 2012, the Court denied Philips's *pro se* motion for reconsideration pursuant to Federal Rules of Civil Procedure 59(e) and 60(b). Although Philips did not request a certificate of appealability in connection with his motion, the Second Circuit Clerk's Office has asked the Court to consider whether to issue one *sua sponte*.

Having carefully reviewed the disposition of Philips's motion, the Court concludes that the motion did not make a substantial showing of the denial of a constitutional right. Accordingly, a certificate of appealability will not issue.

Brooklyn, New York
April 19, 2012

FREDERIC BLOCK
Senior United States District Judge