

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:16cv631-FDW**

**WALTER TIMOTHY GAUSE,** )  
 )  
 **Petitioner,** )  
 )  
 **v.** )  
 )  
 **FRANK L. PERRY,** )  
 )  
 **Respondent.** )  
 \_\_\_\_\_ )

**ORDER**

**THIS MATTER** is before the Court upon Petitioner’s pro se Motion for a Certificate of Appealability, filed on February 27, 2017. (Doc. No. 58.)

On February 13, 2017, the Court entered an Order denying and dismissing Petitioner’s Petition for Writ of Habeas Corpus, 28 U.S.C. § 2254, and granting Respondent’s Motion for Summary Judgment. (Doc. No. 49.) In that Order, the Court declined to grant Petitioner a certificate of appealability. (Doc. 49 at 19-20.) Therefore, the Court will construe Petitioner’s Motion for a Certificate of Appealability as a notice of appeal, and direct the Clerk of Court to forward it to the Fourth Circuit Court of Appeals.

**IT IS, THEREFORE, ORDERED** that Petitioner’s Motion for a Certificate of Appealability (Doc. No. 58) shall be construed as a Notice of Appeal, and the Clerk of Court shall forward it and the electronic record in this action to the Fourth Circuit Court of Appeals.

Signed: February 27, 2017



Frank D. Whitney  
Chief United States District Judge

