

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:13-cv-74-RJC**

MARCUS RANDALL BROWN,)
)
 Petitioner,)
)
 v.)
)
)
 ROY COOPER,)
)
 Respondent.)
 _____)


ORDER

THIS MATTER is before the Court on Petitioner’s motion for certificate of appealability.

On October 4, 2013, this Court denied and dismissed Petitioner’s petition for a writ of coram nobis, filed pursuant to 28 U.S.C. § 1651, and his petition for habeas corpus relief, filed pursuant to 28 U.S.C. § 2254. The Court declined to issue a certificate of appealability and Petitioner filed a notice of appeal. October 23, 2013, the Fourth Circuit affirmed the denial of relief under § 1651, and dismissed Petitioner’s appeal and likewise found that Petitioner had failed to meet the threshold for the issuance of a certificate of appealability. The Court finds that as the Fourth Circuit has declined to issue a certificate of appealability, Petitioner’s present motion should be dismissed as moot.

IT IS, THEREFORE, ORDERED that Petitioner’s motion for a certificate of appealability is **DISMISSED** as moot. (Doc. No. 12).

Signed: January 15, 2014



Robert J. Conrad, Jr.
United States District Judge

