IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TENNESSEE EASTERN DIVISION

JEFFREY GAYLON DOUGLAS,)	
Petitioner,)))	
v.)	No. 13-1129
HENRY STEWARD, Warden of NWCX,)))	
Respondent.)))	

ORDER DENYING PETITIONER'S MOTION FOR

CERTIFICATE OF APPEALABILITY

On February 4, 2015, Petitioner, Jeffrey Gaylon Douglas, filed a Motion for Certificate of Appealability ("COA"). (Docket Entry ("D.E.") 46.) A COA may only be issued if the applicant has made a substantial showing of a denial of a "constitutional" right. *See* 28 U.S.C. § 2253(c)(2); *Tennard v. Dretke*, 542 U.S. 274, 282 (2004); *Harbison v. Bell*, 503 F.3d 566, 568 (6th Cir. 2007), *rev'd on other grounds*, 556 U.S. 180 (2009). This motion is not appropriate at this time because the Court has not yet reached the merits of the petition. Accordingly, Douglas' motion is DENIED.

IT IS SO ORDERED this 22nd day of September 2015.

<u>s/ J. DANIEL BREEN</u> CHIEF UNITED STATES DISTRICT JUDGE