

No. 1:13-CV-01129-JDB-egb

taken in good faith, denied him leave to appeal *in forma pauperis*, and instructed him to apply for pauper status in the Sixth Circuit if he chose to appeal. (*Id.* at 20.)

Petitioner's instant motion for a certificate of appealability could be liberally construed as a motion to alter or amend judgment pursuant to Rule 59(e) of the Federal Rules of Civil Procedure. "[A] court may alter [a] judgment based on: '(1) a clear error of law; (2) newly discovered evidence; (3) an intervening change in controlling law; or (4) a need to prevent manifest injustice.'" *Clark v. United States*, 764 F.3d 653, 661 (6th Cir. 2014) (quoting *Leisure Caviar, LLC v. U.S. Fish & Wildlife Serv.*, 616 F.3d 612, 615 (6th Cir. 2010)). Petitioner's motion does not satisfy any of these standards, and on an independent review of the record, the Court finds no grounds to relieve him from its October 6, 2016 judgment.

Because Petitioner's Motions lack merit there are hereby DENIED.

Because Petitioner's Motions are meritless, the Court DENIES a certificate of appealability. As for any other appeal related to this matter, it is CERTIFIED, pursuant to Federal Rule of Appellate Procedure 24(a), that it would not be taken in good faith, and leave to appeal *in forma pauperis* is DENIED.

If Petitioner files a notice of appeal, he must also pay the full \$505.00 appellate filing fee, *see* 28 U.S.C. §§ 1913, 1917, or file a motion to proceed *in forma pauperis* and supporting affidavit in the Court of Appeals within thirty days, *see* Fed. R. App. P. 24(a)(4)–(5).

**IT IS SO ORDERED** this 19th day of October 2016.

s/ J. DANIEL BREEN  
CHIEF UNITED STATES DISTRICT JUDGE