

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

JOHNNY RAY WHITE,

Petitioner,

v.

Case No. 07-CV-262

UNITED STATES OF AMERICA,

Respondent.

ORDER

On September 16, 2010, the petitioner filed a motion for the court to “alter” its September 9, 2010 order denying the petitioner’s motion for leave to appeal *in forma pauperis* and denying the petitioner’s request for a certificate of appealability. (Docket #40). The crux of the petitioner’s latest submission is that the court erred in denying the petitioner’s request for a certificate of appealability, as the court framed the request as an “implied request.” The court did this, as the order was issued, before the clerk’s office docketed Mr. White’s formal request for a certificate of appealability. However, there was no error in the court denying the certificate of appealability, regardless of whether the request was implicit or explicit. As the court stated in several of its previous orders, including the September 9, 2010 order, Mr. White is attempting to relitigate the denial of his 28 U.S.C. § 2255 motion that was issued by this court two and half years ago and summarily affirmed by the Seventh Circuit shortly thereafter. Mr. White’s request is utterly frivolous: he has not come close to making a “substantial showing of the denial of a constitutional right,” *Walker*

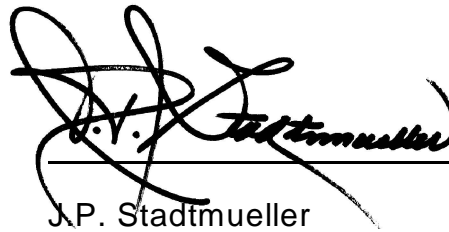
v. O'Brien, 216 F.3d 626, 632 (7th Cir. 2000), and the court will deny his motion. Similar motions made by Mr. White to this court will henceforth be summarily denied as to prevent the court expending any more of its limited resources on the petitioner's meritless motions.

Accordingly,

IT IS ORDERED that the petitioner's motion to "alter or amend judgment" (Docket #40) be and the same is hereby **DENIED**.

Dated at Milwaukee, Wisconsin, this 27th day of September, 2010.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J.P. Stadtmueller", is written over a horizontal line. The signature is stylized and cursive.

J.P. Stadtmueller
U.S. District Judge