

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

MARK RENALDO LOWE,

Petitioner,

ORDER

v.

03-C-0266-C

MATTHEW FRANK, Secretary, Wisconsin
Department of Corrections,

Respondent.

On February 6, 2004, this court entered judgment dismissing the petition of Mark Renaldo Lowe for a writ of habeas corpus. On March 9, 2004, I entered an order denying petitioner's requests for leave to proceed in forma pauperis on appeal and for a certificate of appealability. Now petitioner has filed a motion for reconsideration, but he does not specify to which order his motion to reconsider applies. It appears that he wants to challenge my determination in the March 9 order that his petition did not assert any claim of ineffective assistance of appellate counsel based upon his lawyer's alleged failure to properly advise him of his options concerning representation.

There is no federal rule of procedure that permits a "motion to reconsider" an order denying a certificate of appealability. Insofar as petitioner disagrees with my conclusion concerning the nature of his ineffective assistance of appellate counsel claim, the proper court in which to present his arguments is the Court of Appeals for the Seventh Circuit,

which now has jurisdiction over this case. In any event, there is nothing in petitioner's motion that provides any basis for reconsidering my conclusion that petitioner has not made the showing necessary to entitle him to a certificate of appealability or that his appeal is not taken in good faith.

ORDER

Accordingly, IT IS ORDERED that Mark Renaldo Lowe's motion for reconsideration is DENIED.

Dated this 31st day of March, 2004.

BY THE COURT:

BARBARA B. CRABB
District Judge