

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

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ROBERT LEE HAMILTON,

Petitioner,

ORDER

15-cv-510-bbc

v.

TIM DOUMA,

Respondent.  
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On September 20, 2016, I entered an order denying Robert Lee Hamilton's petition for a writ of habeas corpus under 28 U.S.C. § 2254 for his failure to show that he is in custody in violation of federal law. Judgment was entered on that same day. Dkt. #40.

Now petitioner has filed a document titled, "Certificate of Appealability," dkt. #43, in which he requests the issuance of a certificate of appealability. However, because I have already determined in the September 20 order that petitioner is not entitled to a certificate, dkt. #39 at 7, it is not clear why petitioner filed this request. Because he filed it at the same time his notice of appeal was due, petitioner may have intended to file a notice of appeal.

I will give petitioner an opportunity to clarify his intentions. In particular, petitioner may have until November 10, 2016, to inform this court in writing whether his request for a certificate of appealability was intended as a notice of appeal or as a motion to reconsider the court's previous determination that petitioner is not entitled to a certificate. If petitioner does not respond by November 10, 2016, I will construe the motion as one for

reconsideration and I will deny the motion.

Entered this 26th day of October, 2016.

BY THE COURT:

/s/

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BARBARA B. CRABB

District Judge