

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

WALTER R. BURNLEY,

Defendant.

ORDER

09-cv-547-bbc
06-cr-141-jcs

On December 18, 2009, I denied defendant Walter R. Burnley's motion for post conviction relief under 28 U. S. C. § 2255 for his failure to show that either his conviction or sentence is illegal. Additionally, under the newly effective amendments to Rule 11 of the Rules Government Section 2255 Cases in the United States District Courts, I denied the issuance of a certificate of appealability.

Defendant has now filed a motion for extension of time to file a certificate of appealability. Defendant's motion will be denied. In the December 18, 2009 order I denied the issuance of a certificate of appealability because I had made the determination that no reasonable jurist would believe that defendant's motion had any merit. I determined that

defendant's assertions that his attorney was ineffective is not one that judges would consider debatable.

Pursuant to Fed. R. App. P. 22(b), if a district judge denies an application for a certificate of appealability, the defendant may request a circuit judge to issue the certificate.

ORDER

Defendant's motion for extension of time to file a certificate of appealability is DENIED as moot.

Entered this 22d day of June, 2010.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge