

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

VINCENT LOWE,

Defendant.

ORDER

11-cv-742-bbc
09-cr-18-bbc

On February 21, 2012, I denied defendant Vincent Lowe'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. In the same order, I also denied the issuance of certificate of appealability under the newly effective amendments to Rule 11 of the Rules Government Section 2255 Cases in the United States District Courts.

Defendant has now filed a motion for a certificate of appealability. His motion will be denied as unnecessary. In the February 21, 2012 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 and that the court denied him due process are not issues 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 a certificate of appealability is DENIED as unnecessary.

Entered this 19th day of March, 2012.

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