

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

**PAUL DAVIS,**

**Petitioner,**

**v.**

**DAN SCHNURR,**

**Respondent.**

**Case No. 17-CV-3162-JAR**

**NUNC PRO TUNC MEMORANDUM AND ORDER**

This matter is before the Court on Petitioner Paul Davis's Motion for Certificate of Appealability (Doc. 36). On June 10, 2019, this Court entered judgment, denying Petitioner's Petition for Writ of Habeas Corpus and denying a Certificate of Appealability (Docs. 33 and 34). On June 23, 2019, Petitioner filed a Notice of Appeal (Doc. 35), as well as a Motion for Certificate of Appealability (Doc. 36). On June 24, 2019, the Tenth Circuit docketed the appeal (Doc. 38).

Under Rule 11 of the Rules Governing § 2254, "if the [district] court denies a certificate [of appealability], the parties may not appeal the denial but may seek a certificate from the court of appeals under Federal Rule of Appellate Procedure 22." The Court denied the certificate on June 10, 2019. Accordingly, the Court **dismisses** Petitioner's motion (Doc. 36) for lack of jurisdiction, and the Clerk's office is directed to forward Petitioner's motion to the Court of Appeals.

**IT IS SO ORDERED.**

Dated: June 26, 2019

S/ Julie A. Robinson  
JULIE A. ROBINSON  
CHIEF UNITED STATES DISTRICT JUDGE