

**UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT**

No. 07-2764

THOMAS A. SHAY

Petitioner - Appellant

v.

UNITED STATES

Respondent - Appellee

ORDER OF COURT

**Entered: 2/19/08
Pursuant to 1st Cir. R. 27.0(d)**

This court has docketed petitioner-appellant's appeal from the denial of his motion to vacate his sentence under 28 U.S.C. Sec. 2255. The case cannot go forward unless a certificate of appealability issues. 28 U.S.C. Sec. 2253. The district court declined to issue a certificate of appealability on 1/3/08.

We will treat petitioner-appellant's notice of appeal as a request for a certificate of appealability from this court. Petitioner-appellant is ordered to file a memorandum, by 3/4/08, setting forth specific facts, reasons, and issues supporting issuance of a certificate. See 1st Cir. R. 22.1. See also 28 U.S.C. Sec. 2253(c)(2) (in order for a certificate to be granted, applicant must make substantial showing of the denial of a constitutional right). After 3/4/08, whether or not petitioner-appellant has filed a memorandum, the case will be submitted to the court for a determination whether a certificate should issue. If a certificate is denied, the appeal will be terminated.

By the Court:

Richard Cushing Donovan, Clerk

MARGARET CARTER

By _____
Chief Deputy Clerk

To: Thomas A. Shay
cc: James Francis Lang
Timothy Q. Feeley
Dina Michael Chaitowitz