

Signed 3/16/98

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

UNITED STATES OF AMERICA

v.

JAMES BARRETT,

Defendant

Criminal No. 77-15-P-C  
Civil No. 90-155-P-C  
Misc. No. 96-108-P-C

Court of Appeals No. 96-2355

**CERTIFICATE OF APPEALABILITY**

Pursuant to the mandate herein of the United States Court of Appeals for the First Circuit, entered on December 22, 1997 (Docket No. 7), and of the provisions of 28 U.S.C. § 2253(c)(1)-(3), the Court hereby **CERTIFIES** for appeal herein, in accordance with its Memorandum of Decision and Order Granting a Certificate of Appeal herein of this date (Supplemental Docket No. 8) on Petitioner's Notice of Appeal (Supplemental Docket No. 4) filed on November 15, 1996, the following issue, *viz.*:

Whether, in the circumstances of this case, the application of the provisions of the Antiterrorism and Effective Death Penalty Act of 1996, which bar the filing of successive petitions under 28 U.S.C. § 2255 absent an order of the Court of Appeals authorizing the District Court to consider the petition, so as to bar the filing of the petition herein, conflicts impermissibly with the All Writs Act, 28 U.S.C. § 1651, to deny Petitioner his federally protected rights of equal protection of the laws and of due process of law under the Fifth Amendment to the Constitution of the United States.

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GENE CARTER  
District Judge

Dated at Portland, Maine this 16th day of March, 1998.

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