

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

FILED
U.S. DISTRICT COURT
MIDDLE DISTRICT OF TENN.
MAR 20 2000

ROBERT GLEN COE

Petitioner

STATE OF TENN.
ATTORNEY GENERAL

No. 3:92-0180
Judge Nixon

v.

RICKY BELL, Warden

Respondent

MAR 20 2000
CRIMINAL JUSTICE DIV.

BY _____
DEPUTY CLERK

MOTION FOR CERTIFICATE OF PROBABLE CAUSE

Comes the Petitioner, Robert Glen Coe, and respectfully moves this Court for a certificate of probable cause to appeal this Court's dismissal of his petition for writ of habeas corpus. In particular, this Court's dismissal of the petition without allowing amendment of his claims under *Ford v. Wainwright*, 477 U.S. 399, 106 S.Ct. 2595 (1986) warrants the issuance of the certificate. Indeed, in *Ford* itself, Ford raised his incompetency claims following the conclusion of his initial habeas petition. See Ford, 477 U.S. at 420 n.1, 106 S.Ct. at 2607 n. 1 (Powell, J., concurring). See also Nguyen v. Briscoe, 162 F.3d 600, 602 (Briscoe, J., dissenting)(petitioners generally have been allowed to file two petitions, including a second petition containing *Ford* claims), Fearance v. Scott, 56 F.3d 633, 640 (3rd Cir. 1995)(*Ford* claims heard in second petition).