

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 18-14034-K

FRANKLIN ELLIOTT BENSON,

Petitioner-Appellant,

versus

GLEN JOHNSON,

Respondent-Appellee.

Appeal from the United States District Court
for the Northern District of Georgia

ORDER:

Franklin Benson, a Georgia prisoner serving a total sentence of life in prison plus 11 years for malice murder, removal of body parts, and concealing the death of another, filed a *pro se* 28 U.S.C. § 2254 petition, asserting 14 claims for relief. He now seeks a certificate of appealability (“COA”) and leave to proceed *in forma pauperis* (“IFP”). To obtain a COA, a movant must make “a substantial showing of the denial of a constitutional right,” by demonstrating that “reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong,” or that the issues “deserve encouragement to proceed further.” 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (quotation omitted).

Claim 1: Ineffective Assistance of Trial Counsel

Benson asserted that his trial attorneys were ineffective “at several stages of [his] trial.” Notably, on direct appeal, Benson argued specifically that his counsel was ineffective for failing

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Before: WILLIAM PRYOR and ROSENBAUM, Circuit Judges.

BY THE COURT:

Franklin Elliot Benson has filed a motion for reconsideration of this Court's order dated April 2, 2019, denying his motions for a certificate of appealability and leave to proceed *in forma pauperis* in his appeal of the district court's denial of his 28 U.S.C. § 2254 petition. Upon review, Benson's motion for reconsideration is DENIED because he has offered no new evidence or arguments of merit to warrant relief.

CONCLUSION:

Based on the foregoing, Benson's motion for a COA is DENIED. His motion for leave to proceed IFP is DENIED AS MOOT.

/s/ Robin S. Rosenbaum
UNITED STATES CIRCUIT JUDGE