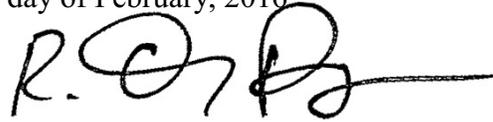


Accordingly, the petition for a writ of habeas corpus is due to dismissed without prejudice.

Further, a petitioner is required to obtain a certificate of appealability in order to appeal from “the final order in a habeas corpus proceeding in which the detention complained of arises out process issued by a state court.” 28 U.S.C. § 2253(c)(1)(A). That language encompasses final orders relative to habeas petitions by detainees awaiting trial in state court on criminal charges. *See Evans v. Oliver*, 2013 WL 4027766, at *4 (S.D. Ala. Aug. 7, 2013); *Stringer v. Williams*, 161 F.3d 259, 262 (5th Cir. 1998); *cf. Medberry v. Crosby*, 351 F.3d 1049, 1063 (11th Cir. 2003); *Hiteshaw v. Butterfield*, 262 F. App’x 162, 163 (11th Cir. 2008). It is appropriate for the court to either issue or deny a certificate of appealability when it enters a final order adverse to the applicant. *See* Rules 1(b), 11(a), RULES GOVERNING § 2254 HABEAS PROCEEDINGS. The court concludes that the instant petition does not present issues that are debatable among jurists of reason, so a certificate of appealability is due to be denied. *See Slack v. McDaniel*, 529 U.S. 473, 484-85 (2000). A separate Final Judgment will be entered.

DONE and ORDERED this 16th day of February, 2016



R. DAVID PROCTOR
UNITED STATES DISTRICT JUDGE