

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

RAUL PEREZ, JR.,	:	
AIS 243870,	:	
Petitioner,	:	
vs.	:	CIVIL ACTION NO. 08-0293-WS-C
WARDEN CUMMINS,	:	
Respondent.	:	

**ORDER**

After due and proper consideration of all portions of this file deemed relevant to Raul Perez, Jr.'s motion for Certificate of Appealability, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(3) is **ADOPTED** as the opinion of this Court. Because reasonable jurists could not debate whether Perez' § 2254 petition should have been resolved in a different manner, petitioner's Motion for Certificate of Appealability (Doc. 17) is due to be and hereby is **DENIED**.

**DONE** this the 4<sup>th</sup> day of December, 2008.

s/ WILLIAM H. STEELE  
**UNITED STATES DISTRICT JUDGE**