

**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 4th day of December, 2008.

s/ WILLIAM H. STEELE
UNITED STATES DISTRICT JUDGE