

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF ARKANSAS  
PINE BLUFF DIVISION**

CHARLES GENTRY RODGERS  
ADC #87695

PETITIONER

VS.

5:07CV00229 JTR

LARRY NORRIS, Director,  
Arkansas Department of Correction

RESPONDENT

**ORDER**

On November 12, 2009, the Court entered a Memorandum and Order (docket entry #37) and Judgment (docket entry #38) dismissing this habeas action, with prejudice. On December 9, 2009, Petitioner filed a Notice of Appeal (docket entry #40) and an Amended Notice of Appeal. (Docket entry #41). At 8:44 a.m. on December 11, 2009, the Court entered an Order which collectively construed Petitioner's Notices as a Motion for a Certificate of Appealability ("COA"), and denied Petitioner's request for a COA. (Docket entry #42).

At 11:03 a.m. on December 11, 2009, Petitioner filed an Application for Certificate of Appealability. (Docket entry #45). The Court will deny Petitioner's Application for the same reasons stated in the Court's December 11 Order. The Court reiterates to Petitioner that, if he wishes to appeal the Court's dismissal of his habeas action, *he must obtain a certificate of appealability from the Eighth Circuit Court of Appeals* pursuant to 28 U.S.C. § 2253(c)(1).

IT IS THEREFORE ORDERED THAT Petitioner's Application for a Certificate of Appealability (docket entry #45) is DENIED.

Dated this 16<sup>th</sup> day of December, 2009.

  
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UNITED STATES MAGISTRATE JUDGE