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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DAVID HUNTER,)	1:03-cv-6237 OWW WMW
)	
Plaintiff,)	ORDER RE: PLAINTIFF'S
)	APPLICATION FOR CERTIFICATE
v.)	OF APPEALABILITY
)	
K. EDMONDS, et al.,)	
)	
Defendants.)	
)	
_____)	

Final Judgment was entered in this case November 18, 2004. Plaintiff filed his Notice of Appeal December 16, 2004. The Court of Appeal, on May 13, 2005, dismissed Plaintiff's appeal for failure to prosecute. Plaintiff filed his first request for a Certificate of Appealability on January 21, 2008. This Court denied a Certificate of Appealability by Order of April 23, 2008. There is no justification nor grounds, factual or legal, for a second request for a Certificate of Appealability. The application is DENIED.

IT IS SO ORDERED.

Dated: January 9, 2009

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE