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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

HORACE BELL,)	1:10-cv-2364 OWW GSA PC
)	
Plaintiff,)	ORDER DENYING REQUEST FOR
)	CERTIFICATE OF
v.)	APPEALABILITY
)	
LARRY DILEO, et al.,)	
)	
Defendants.)	
)	
_____)	

Plaintiff has requested a certificate of appealability in this matter. Based on the absence of any merit to the action and the fact that they case has already been heard by the Court of Appeal, jurists of reason could not differ in their evaluation of the case. The request for certificate of appealability is DENIED.

IT IS SO ORDERED.

Dated: August 17, 2011

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE