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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 HUNG DUONG NGUON,

11 Petitioner,

No. CIV-S-10-0055 KJM P

12 vs.

13 KATHLEEN L. DICKINSON,

14 Respondent.

ORDER

15 _____/
16 Petitioner requests a certificate of appealability pursuant to 28 U.S.C. § 2253
17 concerning the February 12, 2010 dismissal of this action. Because petitioner's action did not
18 challenge detention arising out of process issued by a state court, a certificate of appealability is
19 not required to appeal. See 28 U.S.C. § 2253(c). Therefore, petitioner's request is denied.

20 DATED: April 22, 2010.

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22 U.S. MAGISTRATE JUDGE
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