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

HUNG DUONG NGUON,

Petitioner, No. CIV-S-10-0055 KJM P

vs.

KATHLEEN L. DICKINSON,

Respondent. ORDER

/

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

DATED: April 22, 2010.


U.S. MAGISTRATE JUDGE

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