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

RICHARD JOSE DUPREE,

Petitioner,

No. 2:11-cv-0533 KJN P

vs.

JIM SCOTT,

Respondent.

ORDER

_____ /

Petitioner is a state prisoner proceeding without counsel with an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. Petitioner has consented to proceed before the undersigned for all purposes. See 28 U.S.C. § 636(c).

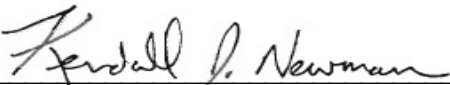
On April 4, 2011, this action was dismissed without prejudice for failure to state a cognizable habeas corpus claim. Petitioner has now filed an appeal. Therefore, IT IS HEREBY

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1 ORDERED that the court declines to issue the certificate of appealability referenced in 28 U.S.C.
2 § 2253.

3 DATED: May 10, 2011

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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