

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KEVIN DUNIGAN,
Petitioner,
v.
ROBERT HICKMAN,
Respondent.

No. 2:11-cv-00961-MCE-EBP

ORDER

Petitioner is a state prisoner proceeding without counsel seeking a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On August 5, 2013, the Court dismissed this action without prejudice and judgment was duly entered. ECF No. 102, 103. Petitioner then moved to vacate the judgment. ECF No. 143. On February 13, 2015, the Court denied petitioner's motion to vacate judgment, ECF No. 144, but did not issue or deny a certificate of appealability at the time the final order was entered. See Rule 11(a), Rules Governing § 2254 Cases.

A court shall issue a certificate of appealability where the petitioner has shown “that reasonable jurists could debate whether . . . the petition should have been resolved in a different manner or that the issues presented were adequate to deserve encouragement to proceed further.” Miller-El v. Cockrell, 537 U.S. 322, 336 (2003) (internal quotation marks omitted). Reasonable jurists could not debate that petitioner’s

1 motion to vacate the judgment lacked merit.

2 Accordingly, the Court declines to issue a certificate of appealability. The Clerk of
3 the Court is directed to forward a copy of this order to the Ninth Circuit Court of Appeals
4 for filing on the docket of Case No. 14-15743.

5 IT IS SO ORDERED.

6 Dated: March 24, 2015

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9 MORRISON C. ENGLAND, JR. CHIEF JUDGE
10 UNITED STATES DISTRICT COURT

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