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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

DONALD MANNING,

Movant-Defendant,

v.

UNITED STATES OF AMERICA,

Respondent-Plaintiff.

Civ. Case No.: 10cv833 BTM
Crim. Case No.: 06cr1021 BTM

JUDGMENT ON § 2255 MOTION

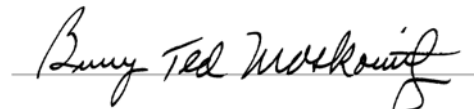
For the reasons set forth in the Court's Order Granting in Part and Denying in Part § 2255 Motion, Defendant's § 2255 motion is **GRANTED IN PART** and **DENIED IN PART**.

The motion is **GRANTED** as to Defendant's claim that his attorney was ineffective for refusing to file a Notice of Appeal and is **DENIED** as the remainder of Defendant's claims.

The Clerk shall **VACATE** and **REENTER** the criminal Judgment in this case so that Defendant may proceed with his appeal. A Certificate of Appealability is **DENIED** as to the § 2255 claims denied by the Court.

IT IS SO ORDERED.

DATED: July 12, 2010



Honorable Barry Ted Moskowitz
United States District Judge