

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
GAINESVILLE DIVISION

DOUGLAS WALKER,

Petitioner,

v.

CASE NO. 1:10-cv-00097-MP-GRJ

WALTER A MCNEIL,

Respondent.

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ORDER

This matter is before the Court on Doc. 33, Motion for Certificate of Appealability by Douglas Walker. On June 8, 2011, defendant filed a notice of appeal as to the Court's order dismissing his petition for habeas corpus without prejudice for failure to prosecute.

An appeal may not be taken to the court of appeals from the final order in a habeas corpus proceeding unless the Court issues a certificate of appealability. See 28 U.S.C. 2253(c)(1). The Court may issue a certificate of appealability only if the applicant has made a substantial showing of the denial of a constitutional right. See 28 U.S.C. 2253(c)(2).

For the reasons stated in the Report and Recommendation, Doc. 13, and the Order, Doc. 15, the Court finds that Petitioner fails to make a substantial showing of the denial of a constitutional right and the issues are not adequate enough to deserve encouragement to proceed further. Accordingly, it is hereby

ORDERED AND ADJUDGED:

1. Petitioner's motion for certificate of appealability, Doc. 33, is DENIED.

DONE AND ORDERED this 21st day of July, 2011

s/Maurice M. Paul

Maurice M. Paul, Senior District Judge