

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

DUANTE T. WRIGHT,
Petitioner,

v.

Case No. 3:05cv468/MCR/MD

WALTER A. MCNEIL,
Respondent.

_____ /

ORDER

This cause is before the court upon petitioner's motion for a certificate of appealability (doc. 65). Unless a certificate of appealability is issued, the petitioner may not take an appeal from the final order denying § 2254 relief. See 28 U.S.C. § 2253(c)(1)(A); Fed. R. App. P. 22(b)(1). Such a certificate may issue "only if the applicant has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2).

After review of the file, the court concludes that because the petitioner has not made a substantial showing of the denial of a constitutional right, and for the reasons set forth in this Court's February 9, 2009 Order (doc. 59) adopting and incorporating the Magistrate Judge's Report and Recommendation filed on November 14, 2008 (doc. 55), a certificate of appealability will be denied.

Accordingly, it is ORDERED:

Petitioner's motion for a certificate of appealability (doc. 65) is DENIED, and no certificate shall issue.

DONE AND ORDERED this 10th day of March, 2009.

sl M. Casey Rodgers

M. CASEY RODGERS
UNITED STATES DISTRICT JUDGE