

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

STEACYANNE REIGN,
Petitioner,

vs.

Case No: 3:08cv505/RV/EMT

WALTER A. MCNEIL,
Respondent.

ORDER

This cause is before the court on Petitioner's notice of appeal, construed as a motion for certificate of appealability (Docs. 35, 36). Unless a certificate of appealability is issued, 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).

Upon review of the file, the court concludes that because Petitioner has not made a substantial showing of the denial of a constitutional right, and for the reasons set forth in the court's October 30, 2009 order (Doc. 33) adopting and incorporating the Magistrate Judge's Report and Recommendation filed on September 22, 2008 (Doc. 28), a certificate of appealability shall be denied.

Accordingly, it is **ORDERED**:

Petitioner's motion for certificate of appealability (Doc. 36) and notice of appeal (Doc. 35) are **DENIED**, and no certificate shall issue.

DONE AND ORDERED this 8th day of December 2009.

/s/ Roger Vinson _____

ROGER VINSON
SENIOR UNITED STATES DISTRICT JUDGE