

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

MICHAEL CUMMINGS (#229076)

VERSUS

CIVIL ACTION

N. BURL CAIN, ET AL

NUMBER 09-728-JVP-SCR

CERTIFICATE OF APPEALABILITY

Having separately issued a final order in connection with the above captioned case in which detention complained of arises out of process issued by a State court, or the final order in a proceeding under § 2255, the court having considered the record in the case and the requirements of 28 U.S.C. § 2253 and Rule 22(b), Federal Rules of Appellate Procedure, hereby finds that:

_____ a substantial showing of the denial of a constitutional right on the issue(s) stated below has been made, petitioner's motion for certificate of appealability is **GRANTED**.

ISSUE(S):

✓
_____ a substantial showing of the denial of a constitutional right has not been made, petitioner's motion for certificate of appealability is **DENIED** for the reasons set forth in the magistrate judge's report.

Baton Rouge, Louisiana, June 23, 2010.



RALPH E. TYSON, CHIEF JUDGE
MIDDLE DISTRICT OF LOUISIANA