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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

RICHARD SCHMIDT

VERSUS

CIVIL ACTION #05-2168

JUDGE HAIK

CORNELL HUBERT, WARDEN

MAGISTRATE JUDGE HILL

ELAYN HUNT CORRECTIONAL CENTER

CERTIFICATE OF APPEALABILITY

A final order having been filed in the above-captioned habeas case, the court, considering the record in this case and the requirements of 28 U.S.C. 2253, hereby finds that:

X

The Certificate of Appealability is DENIED because the applicant has failed to demonstrate a substantial showing of the denial of a constitutional right.

The Certificate of Appealability is GRANTED for the reasons set forth below:

The applicant has made a substantial showing of the denial of a constitutional right with respect to the issues listed below:

Signed at Lafayette, Louisiana on this

8th

day of

January, 2008.

Richard T. Haik

RICHARD T. HAIK, SR.
UNITED STATES DISTRICT JUDGE