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UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI ST. JOSEPH DIVISION

ZACHERIAH S. TRIPP, Petitioner,	)	
vs.	)	Case No. 09-6086-CV-SJ-FJG
GEORGE LOMBARDI, Respondent.	)	

ORDER

On May 13, 2010, this Court entered an Order (Doc. No. 19) denying Movant's Petition for Writ of Habeas Corpus, pursuant to 28 U.S.C. § 2254. On June 8, 2010, petitioner filed the present Application for Certificate of Appealability (Doc. No. 21).

A certificate of appealability will be issued only if the applicant has made a substantial showing of the denial of a constitutional right and has indicated which specific issue or issues satisfy the showing required. 28 U.S.C. § 2253(c)(2) & (3). Additionally, "the petitioner 'must demonstrate that the issues are debatable among jurists of reason; that a court could resolve the issues [in a different manner]; or that the questions are adequate to deserve encouragement to proceed further.'" Randolf v. Kemna, 276 F.3d 401, 403 n.1 (8th Cir. 2002) (quoting Barefoot v. Estelle, 463 U.S. 880, 893 n.1 (1983))(alteration in original). Although this may be referred to as a "modest standard," id. (citing Charles v. Hickman, 228 F.3d 981, 982 n.1 (9th Cir. 2000)), movant has failed to meet this burden. Accordingly, it is hereby **ORDERED** that movant's Petition for a Certificate of Appealability (Doc. No. 21) is **DENIED**.

IT IS SO ORDERED.

Date: 07/16/10
Kansas City, Missouri

S/ FERNANDO J. GAITAN, JR.
Fernando J. Gaitan, Jr.
Chief United States District Judge

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