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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

BYRON ELROY CRUTCHER,)
)
 Petitioner,)
)
 vs.)
)
 BRIAN WILLIAMS, *et al.*,)
)
 Respondents.)
 _____)

2:10-cv-00474-KJD-RJJ

ORDER

Before the Court is petitioner’s Motion for Certificate of Appealability captioned for the Ninth Circuit Court of Appeals, but submitted to this court (docket #17). This Court has previously addressed the issue of whether to issue a certificate of appealability in its Order dismissing the case (docket #9). Therefore, the Clerk of Court shall be directed to transmit the motion to the Ninth Circuit Court of Appeals for its consideration. **IT IS SO ORDERED.**

DATED: January 24, 2011



UNITED STATES DISTRICT JUDGE