

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

DAVID McNISH,)	
)	
Petitioner,)	
)	
v.)	No.: 2:00-cv-95
)	(Judge Phillips)
)	
RICKY BELL, Warden,)	
)	
Respondent.)	

JUDGMENT ORDER

In accordance with the accompanying Memorandum, the petitioner's motion for partial summary judgment is **DENIED**, the respondent's motion for summary judgment is **GRANTED**, and the petition for the writ of habeas corpus is **DENIED**. The stay of execution previously entered in this matter is **VACATED**. A certificate of appealability **SHALL NOT ISSUE**.

ENTER:

 s/ Thomas W. Phillips
United States District Judge

ENTERED AS A JUDGMENT
 s/ Debra C. Poplin
CLERK OF COURT