

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

RONNIE FINCH,)	
)	
Petitioner,)	
)	
v.)	Case No. 3:08-0129
)	Judge Echols
TONY PARKER,)	
)	
Respondent.)	

ORDER

For the reasons explained in the Memorandum issued contemporaneously herewith, the Court hereby rules as follows:

(1) The Report and Recommendation of the Magistrate Judge (Docket Entry No. 27) is hereby ACCEPTED and APPROVED;

(2) Petitioner’s Objections to the Report and Recommendation (Docket Entry No. 28) are hereby OVERRULED;

(3) The “Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by Person in State Custody” (Docket Entry No. 1) filed by Petitioner Ronnie Finch is hereby DENIED; and

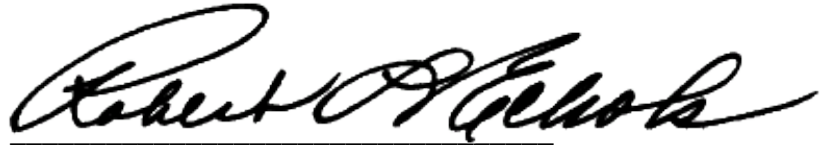
(4) This case is hereby DISMISSED WITH PREJUDICE.

Because Petitioner cannot demonstrate reasonable jurists would find the Court’s conclusion that Petitioner procedurally defaulted his improper introduction of evidence claim and his claim that the state trial court erred in taking the Motion for Judgment of Acquittal under advisement debatable or wrong, a Certificate of Appealability will not issue on those claims. See Slack v. McDaniel, 529 U.S. 473, 483-84 (2000). However, the Court hereby GRANTS a Certificate of Appealability

on Petitioner's claim that counsel's ineffectiveness in failing to object when the Motion for Judgment of Acquittal was taken under advisement by the state trial judge prejudiced him because the evidence at the close of the State's case-in-chief was insufficient to support Petitioner's convictions.

Entry of this Order on the docket shall constitute entry of a final judgment in accordance with Federal Rules of Civil Procedure 58 and 79(a).

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "Robert L. Echols", written in a cursive style. The signature is positioned above a horizontal line.

ROBERT L. ECHOLS
UNITED STATES DISTRICT JUDGE