

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA**

JAN 24 2011

Alexandria Division

**Corey Pernell McNeil,
Petitioner,**

v.

**Loretta K. Kelly,
Respondent.**

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**1:10cv1400 (TSE/TCB)
Appeal No. 11-6075**

ORDER

Before the Court is petitioner's request for a certificate of appealability. For the reasons stated in the January 3, 2011 Order, this Court expressly declines to issue a certificate of appealability.


Accordingly, it is hereby

ORDERED that petitioner's request for a certificate of appealability (Docket # 8) be and is **DENIED WITHOUT PREJUDICE** to petitioner's ability to request a certificate of appealability from the United States Court of Appeals for the Fourth Circuit pursuant to 28 U.S.C. § 2253.

The Clerk is directed to send a copy of this Order to petitioner and the Clerk of the United States Court of Appeals for the Fourth Circuit.

Entered this 24th day of January 2011.

Alexandria, Virginia



T. S. Ellis, III
United States District Judge