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HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DAVID ALLEN HAWKINS, Petitioner, v. ELDON VAIL, Respondent.	Case No. C09-5434 RBL ORDER DENYING ISSUANCE OF CERTIFICATE OF APPEALABILITY

THIS MATTER comes on before the above-entitled Court upon Petitioner's Motion for Certificate of Appealability [Dkt. #19].

For the reasons stated in the Report and Recommendation [Dkt. #15], the Court declines to issue a certificate of appealability because the petitioner has failed to make "a substantial showing of the denial of a constitutional right." 28 U.S.C. §2253(c)(2).

IT IS SO ORDERED.

The Clerk shall send uncertified copies of this order to all counsel of record, and to any party appearing pro se.

Dated this 17th day of February, 2010.

RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE

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