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McDaniel, 529 U.S. 473, 484 (2000) (quoting *Barefoot v. Estelle*, 463 U.S. 880, 893 & n.4 (1983)). Because reasonable jurists could not find it debatable that Hemphill's ineffective assistance of counsel claim fails for lack of counsel deficiency and lack of prejudice, it is hereby

ORDERED that defendant's application for a certificate of appealability is **DENIED**.



RICHARD J. LEON
United States District Judge