

**UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT**

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No: 19-3149

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Frederick Pennington, Jr.

Plaintiff - Appellant

v.

Dexter Payne, Director, Arkansas Department of Correction; Jeremy Andrews, Warden, East  
Arkansas Regional Unit

Defendants - Appellees

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Appeal from U.S. District Court for the Eastern District of Arkansas - Pine Bluff  
(5:19-cv-00067-SWW)

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**JUDGMENT**

Before COLLOTON, ERICKSON, and KOBES, Circuit Judges.

This appeal comes before the court on appellant's application for a certificate of appealability. The court has carefully reviewed the original file of the district court, and the application for a certificate of appealability is denied.

Appellant's motions for appointment of counsel and for discovery are denied as moot. The appeal is dismissed.

March 03, 2020

Order Entered at the Direction of the Court:  
Clerk, U.S. Court of Appeals, Eighth Circuit.

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/s/ Michael E. Gans

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**ORDER**

The petition for rehearing en banc is denied. The petition for rehearing by the panel is  
also denied.

April 09, 2020

Order Entered at the Direction of the Court:  
Clerk, U.S. Court of Appeals, Eighth Circuit.

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/s/ Michael E. Gans