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United States District Court
For the Eastern District of California

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA

LEONARD JESSIE MITCHELL,

No. C-06-00387 PJH

Petitioner,

ORDER DENYING REQUEST FOR
CERTIFICATE OF APPEALABILITY

v

JAMES YATES,

Respondent

The court denied the petition for a writ of habeas corpus in the above-captioned matter and issued judgment in favor of respondent. Petitioner has filed a an application for a certificate of appealability.


“[A]n appeal may not be taken to the court of appeals from” the denial of a habeas petition unless a certificate of appealability is issued. 28 U.S.C. § 2253(c)(1) (2009). A certificate of appealability may be issued “only if the applicant has made a substantial showing of the denial of a constitutional right,” *id.* § 2253(c)(2); the certificate “shall indicate which specific issue or issues satisfy [this] showing,” *id.* § 2254(c)(3).

For the reasons stated in the court’s prior order denying the petition, petitioner has not made any showing of the denial of a constitutional right, much less the substantial

1 showing required for the issuance of a certificate of appealability. Accordingly, and good
2 cause appearing therefor, petitioner's application for a certificate of appealability is denied.

3 **IT IS SO ORDERED.**

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5 Dated: May 5, 2010



PHYLLIS J. HAMILTON
United States District Judge

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