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FILED

JUL 06 2009

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

Jesus R LOPEZ,

Petitioner,

v

Anthony HEDGPETH, Acting Warden of
Salinas Valley State Prison,

Respondent.

Case No 1-8-cv-742-VRW-HC

ORDER DENYING CERTIFICATE
OF APPEALABILITY

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 an "application for extension of time for notice of appeal and certificate of appealability," which the court construes as 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

1 right," id. § 2253(c)(2); the certificate "shall indicate which
2 specific issue or issues satisfy [this] showing," id. §
3 2254(c)(3).

4 For the reasons stated in the court's prior order
5 denying the petition, Petitioner has not made any showing of the
6 denial of a constitutional right, much less the substantial
7 showing required for the issuance of a certificate of
8 appealability. Accordingly, and good cause appearing therefor,
9 Petitioner's application for a certificate of appealability is
10 denied.

11 It is so ordered.

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VAUGHN R WALKER
United States District Chief Judge