

United States District Court
For the Eastern District of California

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

VICTOR SALGADO,

No C 08-1094 VRW

Petitioner,

ORDER

v

JAMES HARTLEY,

Respondent.

Petitioner has filed a notice of appeal following the court's denial of his habeas petition challenging, as a violation of his constitutional rights, the governor's reversal of the Board of Prison Term's (BPT) decision to grant him parole. Doc #17. The court construes the notice of appeal as an application for a certificate of appealability. United States v Asrar, 116 F3d 1268, 1270 (9th Cir 1997); 28 USC § 2253(c)(3).

Petitioner's request for a certificate of appealability is DENIED as unnecessary. Under Ninth Circuit precedent, no

1 certificate of appealability is required when a petitioner
2 challenges an administrative denial of parole. Rosas v Nielsen,
3 428 F3d 1229, 1232 (9th Cir 2005). Accordingly, the clerk shall
4 process the notice of appeal.

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6 IT IS SO ORDERED.

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10 VAUGHN R WALKER
11 United States District Chief Judge
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