

# United States District Court

For the Eastern District of California

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

14 VICTOR SALGADO, NO C 08-1094 VRW

15 Petitioner, ORDER

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### 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).

27 Petitioner's request for a certificate of appealability  
28 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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9 VAUGHN R WALKER  
10 United States District Chief Judge  
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