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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

ADRIAN JOE WHITE,	)	1:09-CV-0130 AWI-JMD HC
	)	
Petitioner,	)	ORDER DENYING PETITIONER'S
	)	RENEWED MOTION FOR CERTIFICATE
v.	)	OF APPEALABILITY
	)	
KEN CLARK, Warden,	)	(Doc. 38)
	)	
Respondent.	)	

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Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

On October 1, 2010, the Magistrate Judge issued a Findings and Recommendation (“F&R”) and on April 6, 2011, the Court issued an order which adopted the F&R in full and declined to issue a certificate of appealability. See Docs. 25, 30. On May 11, 2011, Petitioner filed a Notice of Appeal. See Doc. 32. On June 2, 2011, Petitioner’s appeal was processed to the Court of Appeals for the Ninth Circuit. See Doc 33. On August 4, 2011 Petitioner filed the instant motion renewing his request for certificate of appealability. See Doc. 38.

In declining the certificate of appealability, the Court previously found that “reasonable jurists would not find the Court’s determination that Petitioner is not entitled to federal habeas corpus relief debatable; thus Petitioner’s claim is not deserving of encouragement to proceed further.” See Doc. 30. Petitioner’s renewed motion fails to provide either additional facts or law to warrant any change in the Court’s earlier determination. Petitioner may seek further relief with the Court of Appeals should Petitioner wish to do so.

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Accordingly, IT IS HEREBY ORDERED that Petitioner's renewed motion for a certificate of appealability is DENIED.

IT IS SO ORDERED.

Dated: August 30, 2011

  
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CHIEF UNITED STATES DISTRICT JUDGE