

1
2
3
4
5
6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE EASTERN DISTRICT OF CALIFORNIA

8 JO'VON JORDAN,

9 Petitioner,

Case No. CIV S-06-1599-MDS

10
11 vs.

ORDER

12
13 A. MALFI, Warden, et al.,

14 Respondents.
15 _____/

16
17 Jo'veon Jordan has timely filed a notice of appeal from this court's April 10, 2009 order
18 denying his petition for habeas corpus. A certificate of appealability is required for the appeal to
19 proceed. 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b). This court may issue a certificate of
20 appealability "only if the applicant has made a substantial showing of the denial of a constitutional
21 right." 28 U.S.C. § 2253(c)(2). To meet this standard, an issue must be "debatable among jurists
22 of reason," capable of being resolved differently or "adequate to deserve encouragement to
23 proceed further." *Jennings v. Woodford*, 290 F.3d 1006, 1010 (9th Cir. 2002). For the reasons
24 stated in the April 10, 2009 order, neither of the issues for which Jordan requests a certificate of
25 appealability meets the standard. A certificate of appealability is therefore DENIED.

26 DATED: April 20, 2009
27
28

/s/ Milan D. Smith, Jr.
UNITED STATES CIRCUIT JUDGE
Sitting by Designation

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28