



1 petition states a valid claim of the denial of a constitutional right and . . . would find it debatable  
2 whether [this court] was correct in its procedural ruling." *Id.*

3 Therefore, IT IS HEREBY ORDERED, that, within 14 days of the date of this order,  
4 petitioner shall show cause why he is entitled to a certificate of appealability.

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6 Dated: February 2, 2009

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8 /s/ Alfred T. Goodwin

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10 ALFRED T. GOODWIN.  
11 United States Circuit Judge  
12 Sitting by designation  
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