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

ROBERT GUY BAKER,

Petitioner,

No. 2:07-cv-1170 JAM JFM (HC)

vs.

MATTHEW C. KRAMER, Warden,

Respondent.

ORDER

_____ /

Petitioner, a state prisoner proceeding pro se, has timely filed a notice of appeal of this court’s September 24, 2010 denial of his application for a writ of habeas corpus together with a motion for a certificate of appealability pursuant to 28 U.S.C. § 2253(c) and Fed. R. App. P. 22(b).

A certificate of appealability may issue under 28 U.S.C. § 2253 “only if the applicant has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). The court must either issue a certificate of appealability indicating which issues satisfy the required showing or must state the reasons why such a certificate should not issue. Fed. R. App. P. 22(b).

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1 For the reasons set forth in the magistrate judge's August 3, 2010 findings and
2 recommendations, petitioner has not made a substantial showing of the denial of a constitutional
3 right. Accordingly, IT IS HEREBY ORDERED that:

4 1. Petitioner's October 22, 2010 motion for a certificate of appealability is
5 denied; and

6 2. The Clerk of the Court is directed to process petitioner's appeal to the United
7 States Court of Appeals for the Ninth Circuit.

8 DATED: 12/30/2010

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10 /s/ John A. Mendez
11 UNITED STATES DISTRICT JUDGE
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