

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

STEVEN KRAIG CANTRELL,

No. 2:07-cv-1440-MMM

Petitioner,

vs.

MICHAEL S. EVANS,

ORDER

Respondent.

Steven Kraig Cantrell, a state prisoner proceeding pro se, has timely filed a notice of appeal of this court’s March 24, 2010 denial of his application for a writ of habeas corpus. Before Cantrell can appeal this decision, a certificate of appealability must issue. 28 U.S.C. § 2253(c); 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).

For the reasons set forth in the March 24, 2010, order denying the petition for habeas corpus, Cantrell has not made a substantial showing of the denial of a constitutional right. Accordingly, a certificate of appealability should not issue in this action.

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IT IS THEREFORE ORDERED that Petitioner's request for the issuance of
a certificate of appealability (docket no. 38) is denied.

DATED: May 26, 2010

M. Margaret McKeown
HON. M. MARGARET MCKEOWN
UNITED STATES CIRCUIT JUDGE
Sitting by Designation