1 2 3 4 5 6 7 8 IN THE UNITED STATES DISTRICT COURT FOR THE 9 EASTERN DISTRICT OF CALIFORNIA 10 11 Jeffrey Dee Gray, 2:07-CV-01513-ATG 12 Petitioner, **ORDER** 13 VS. Claude E. Finn, 14 15 Respondent. 16 17 18 Petitioner Jeffrey Dee Gray ("Petitioner") is a state prisoner proceeding pro se in a 19 habeas corpus action pursuant to 28 U.S.C. § 2254. On April 28, 2010, this court dismissed his 20 petition for habeas corpus. Petitioner filed a notice of appeal and requested a certificate of 21 appealability from this court. Pursuant to 28 U.S.C. § 2253(c)(2), "[a] certificate of 22 appealability may issue . . . only if the applicant has made a substantial showing of the denial of a 23 constitutional right." Petitioner has not shown that he was denied a constitutional right. 24 Therefore, he has failed to make the showing required to establish that he is entitled to a 25 certificate of appealability. 26 // 27 // 28 // -1-

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For these reasons, the Court declines to issue a certificate of appealability. Any further request for a certificate of appealability must be addressed to the Court of Appeals. See Fed. R. App. P. 22(b); Ninth Circuit R. 22-1.

/s/ Alfred T. Goodwin

ALFRED T. GOODWIN

United States Circuit Judge Sitting by designation

Dated: May 26, 2010