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

JASON TYRONE HOLDMAN,

Petitioner,

No. 2:08-cv-0183 WBS CKD P

vs.

TIM VIRGA,

Respondent.

ORDER DENYING CERTIFICATE OF
APPEALABILITY

_____/

Petitioner, a state prisoner proceeding pro se, has filed a motion for a certificate of appealability as to the June 7, 2013 denial of his application for a writ of habeas corpus. (ECF No. 71.) 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). For the reasons set forth in the magistrate judge’s October 15, 2012 findings and recommendations, petitioner has not made a substantial showing of the denial of a constitutional right.

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Accordingly, a certificate of appealability should not issue in this action.

IT IS SO ORDERED.

DATED: September 4, 2013



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE