

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

NOAH CHURCH,

Petitioner,

No. 2:08:cv-02011-MDS

VS.

ORDER

JAMES A. YATES, Warden,

Respondent

Petitioner Noah Church has timely filed a notice of appeal from this court's July 15, 2009 order denying his petition for habeas corpus. A certificate of appealability is required for the appeal to proceed. 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b).

This court may issue a certificate of appealability “only if the applicant has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. §2253(c)(2). To meet this standard, an issue must be “debatable among jurists of reason,” capable of being resolved differently or “adequate to deserve encouragement to proceed further.” *Jennings v. Woodford*, 290 F.3d 1006, 1010

1 (9th Cir. 2002).

2 For the reasons stated in the July 15, 2009 order, none of the issues raised by
3 Petitioner qualifies for a certificate of appealability. A certificate of appealability is
4 therefore DENIED.

5
6 DATED: September 1, 2009
7

8 /s/ Milan D. Smith, Jr.
9 **UNITED STATES CIRCUIT JUDGE**
Sitting by Designation