

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ANTHONY JOE MARTINEZ,

Petitioner

08-CV-02077 TJH

v.

JAMES YATES, Warden,

Respondents

ORDER RE: CERTIFICATE
OF APPEALABILITY

On September 5, 2012, Petitioner filed a Notice of Appeal and a request for a Certificate of Appealability pursuant to 28 U.S.C. § 2253. The Court has reviewed the matter.

IT IS HEREBY ORDERED.

The Certificate of Appealability is Granted with respect to the following issues:

Whether petitioner's constitutional rights were violated when the trial court granted respondents's motion to consolidate and denied petitioner's severance motion with regard to the trial of two incidents.

Whether the prosecutor committed prejudicial misconduct.

Whether the cumulative prejudice that occurred amounted to a violation of the petitioner's Fourteenth Amendment right to due process.

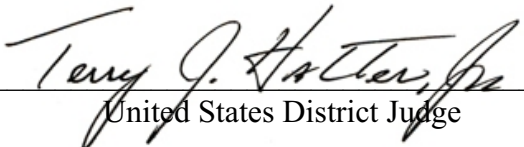
The Certificate of Appealability is Denied for the following reason(s):

There has been no substantial showing of the denial of a constitutional right.

The appeal seeks to test the validity of a warrant to remove to another district or place for commitment or trial.

The appeal seeks to test the validity of the detention pending removal proceedings.

Date: June 5, 2013


United States District Judge