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

JOSEPH G. ALCALA,

Petitioner,

No. CIV S-08-2455-JAM-TJB

vs.

BOARD OF PAROLE HEARINGS,

Respondent.

ORDER

_____ /

Petitioner, a state prisoner proceeding pro se, has filed a motion for a certificate of appealability. *See* ECF No. 29. On September 15, 2010, the United States Magistrate Judge assigned to this matter filed findings and recommendations herein, which was served on Petitioner, and which advised Petitioner that in any objections he elected to file, he may address whether a certificate of appealability should issue in the event he elected to file an appeal from the judgment in this case. *See* ECF No. 23. On October 29, 2010, Petitioner filed objections in which he requested a certificate of appealability based on the arguments presented in his amended petition. *See* ECF No. 26. On January 14, 2011, the undersigned issued an order adopting the findings and recommendations in full and declining to issue a certificate of appealability. *See* ECF No. 27.

A certificate of appealability may issue under 28 U.S.C. § 2253 “only if the applicant has

1 made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). The
2 court must either issue a certificate of appealability indicating which issues satisfy the required
3 showing, or state the reasons why such a certificate should not issue. FED. R.APP. P. 22(b).

4 Petitioner’s request was previously addressed, and a certificate of appealability was not
5 issued. *See* ECF No. 27. Petitioner has presented no basis for reconsidering this decision. A
6 certificate of appealability shall not issue.

7 IT IS HEREBY ORDERED that Petitioner’s February 15, 2011, motion for a certificate
8 of appealability, ECF No. 29, is DENIED.

9 DATED: March 3, 2011

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11 /s/ John A. Mendez

12 UNITED STATES DISTRICT JUDGE
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