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

ROBERT ALVIN WOOLEVER, JR.,

Petitioner,

No. CIV S-09-126 CHS

vs.

RAUL LOPEZ,

Respondent.

ORDER

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I. INTRODUCTION

Petitioner Woolever, a state prisoner proceeding pro se, filed an amended petition for writ of habeas corpus and the parties consented to jurisdiction by United States Magistrate Judge. The petition was denied and Woolever has filed a notice of appeal.

Pursuant to Rule 11 of the Federal Rules Governing, this court must grant or deny a certificate of appealability. A certificate of appealability may issue under 28 U.S.C. § 2253 “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 order filed on August 3, 2011, Woolever failed to make such a showing. Accordingly, IT IS HEREBY ORDERED THAT a certificate of appealability shall not issue in this case.

DATED: September 19, 2011

Charlene H. Sorrentino

CHARLENE H. SORRENTINO
UNITED STATES MAGISTRATE JUDGE