

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

PAUL LEWIS,

Petitioner, No. CIV S-09-CV-0517 LKK CHS P

VS.

MATTHEW CATE,

Respondent. ORDER

Petitioner, Paul Lewis, is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner is currently serving a determinate sentence of sixteen years following his plea of nolo contendere in Sacramento County Superior Court to three counts of sexual penetration by force, two counts of oral copulation by force, six counts of rape by force, and six counts of sodomy by force. With his petition, Petitioner presented various claims challenging the constitutionality of his conviction.

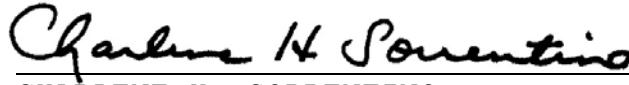
22 The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C.
23 § 636(b)(1)(B) and Local Rule 302. On January 11, 2011, the magistrate judge filed findings and
24 recommendations herein which recommended that the petition be denied. The magistrate judge's
25 findings and recommendations were adopted by the assigned United States District Court Judge on
26 April 18, 2011, making judgment final in this case. *See* 28 U.S.C. § 636(b)(1)(C). In addition,

1 because Petitioner failed to make a substantial showing of the denial of a constitutional right with
2 respect to any of the claims presented, a certificate of appealability was not issued by the district
3 judge.

4 Currently pending is Petitioner's April 29, 2011 motion for a certificate of
5 appealability. Petitioner is reminded that a certificate of appealability has already been denied by
6 the District Court Judge.

7 Accordingly, IT IS HEREBY ORDERED that Petitioner's April 29, 2011 motion for
8 a certificate of appealability is DENIED as unnecessary.

9 DATED: May 13, 2011

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11 CHARLENE H. SORRENTINO
12 UNITED STATES MAGISTRATE JUDGE

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