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

DANIEL P. CASHMAN,

Petitioner,

No. CIV S-09-2683 KJM-EFB P

vs.

GARY HUDGEONS; et al.,

Respondents.

ORDER

_____/

Petitioner, a state prisoner proceeding pro se, has timely filed a notice of appeal of this court's May 10, 2012 denial of his request for reconsideration and January 19, 2012 denial of his petition for habeas corpus. Before petitioner can appeal this decision, a certificate of appealability must issue. 28 U.S.C. § 2253(c); FED. R. APP. P. 22(b).

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

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1 For the reasons set forth in the court's January 19, 2012 order adopting the
2 magistrate judge's findings and recommendations and May 10, 2012 order denying petitioner's
3 request for reconsideration, petitioner has not made a substantial showing of the denial of a
4 constitutional right. Accordingly, a certificate of appealability should not issue in this action.

5 IT IS SO ORDERED.

6 DATED: July 11, 2012.

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8 UNITED STATES DISTRICT JUDGE
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