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

RODNEY ALTON BRYANT,

Petitioner,

No. CIV S-09-CV-3462 GEB CHS P

vs.

JOHN W. HAVILAND, et al.,

Respondent.

ORDER

_____ /

Petitioner, Rodney Alton Bryant, 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 an indeterminate sentence of fifteen years to life following his 1990 guilty plea to second degree murder in Sacramento County Superior Court. With his petition, Petitioner does not challenge the constitutionality of that conviction, but rather, the execution of his sentence and, specifically, the April 9, 2009 decision by the Board of Parole Hearings finding him unsuitable for parole.


On May 10, 2011, judgment in this case became final after the United States District Court Judge adopted in full the findings and recommendations filed by the United States Magistrate Judge. Petitioner now wishes to appeal the judgment of the court, and requests a certificate of appealability. See 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b). A certificate of appealability may

1 issue under 28 U.S.C. § 2253 “if the applicant has made a substantial showing of the denial of a
2 constitutional right.” 28 U.S.C. § 2253(c)(2). The certificate of appealability must “indicate which
3 specific issue or issues satisfy” the requirement. 28 U.S.C. 2253(c)(3). A certificate of appealability
4 should be granted for any issue that Petitioner can demonstrate is “debatable among jurists of
5 reason,” could be resolved differently by a different court, or is “adequate to deserve
6 encouragement to proceed further.” *Jennings v. Woodford*, 2990 F.3d 1006, 1010 (9th Cir. 2002)
7 (quoting *Barefoot v. Estelle*, 463 U.S. 880, 893 (1983)).¹ In this case, Petitioner has failed to make
8 a substantial showing with respect to any of the claims presented.

9 Accordingly, IT IS HEREBY ORDERED that:

- 10 1. Petitioner’s request for a certificate of appealability is DENIED.

11 Dated: June 29, 2011

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GARLAND E. BURRELL, JR.
United States District Judge

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26 ¹ Except for the requirement that appealable issues be specifically identified, the standard
for a certificate of appealability is the same as the standard applied to issuance of a certificate of
probable cause. *Jennings*, 290 F.3d at 1010.