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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL AARON WITKIN,  
Petitioner,  
v.  
YATES,  
Respondent.

No. 2:10-cv-0091 GEB DAD P

ORDER

Petitioner is a state prisoner proceeding pro se with an application for writ of habeas corpus under 28 U.S.C. § 2254. He has filed a motion to alter or amend the court’s order denying his motion for reconsideration. (See Doc. No. 94.) The court has reviewed the motion and finds it is without merit. Therefore it will be denied.

The court finds further that no certificate of appealability should issue (1) because petitioner has not made a substantial showing of the denial of a constitutional right (see 28 U.S.C. § 2253(c)(2)); (2) because he has not shown this court’s previous denial of a certificate of appealability was in error or contrary to law (see Doc No. 72); and (3) in light of the Ninth Circuit’s previous denial of a certificate of appealability (see Doc. No. 88).

Accordingly, IT IS HEREBY ORDERED that:

- 1. The motion to alter or amend judgment (Doc. No. 94) is denied.

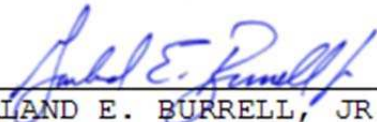
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2. The court declines to issue a certificate of appealability. 28 U.S.C. § 2253.

3. The Clerk of Court is directed to send a copy of this order to the United States Court of Appeals for the Ninth Circuit.

Dated: March 31, 2015

  
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GARLAND E. BURRELL, JR.  
Senior United States District Judge