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

JEFFREY IAN COOK,

Petitioner,

No. CIV S-10-2355 JAM GGH P

vs.

J. W. HAVILAND, Warden,

Respondent.

ORDER

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Petitioner, a state prisoner proceeding pro se, has timely filed a notice of appeal of this court's May 10, 2011 denial of his application for a writ of 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 magistrate judge's March 17, 2011 findings and  
2 recommendations, petitioner has not made a substantial showing of the denial of a constitutional  
3 right. Accordingly, petitioner's motion for a certificate of appealability (Doc. No. 25) is denied.  
4 A certificate of appealability should not issue in this action.

5 IT IS SO ORDERED.

6 DATED: November 10, 2011

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8 /s/ John A. Mendez

9 UNITED STATES DISTRICT COURT JUDGE  
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