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

JOE VASQUEZ,

No. 2:10-cv-03254-MCE-GGH-P

Plaintiff,

vs.

ARNOLD SCHWARZENEGGER et al.,

ORDER

Defendants.

_____ /

Petitioner, a state prisoner proceeding pro se, seeks to appeal this court's May 31, 2011 dismissal of his application for a writ of habeas corpus for failure to state a constitutional claim at the screening stage and/or to timely amend his deficient petition. 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 January 3, 2011 order, petitioner has
2 not made a substantial showing of the denial of a constitutional right. Accordingly, a certificate
3 of appealability should not issue in this action.

4 IT IS SO ORDERED.

5 Dated: July 19, 2011

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8 MORRISON C. ENGLAND, JR.
9 UNITED STATES DISTRICT JUDGE
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