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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSEPH MANUEL ORTIZ,
Petitioner,
v.
ROBERT H. TRIMBLE, Acting Warden,
Respondent.

No. 2:11-cv-1593 JAM GGH P

ORDER

Petitioner, a state prisoner proceeding pro se, has timely filed a notice of appeal of this court's June 27, 2013 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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For the reasons set forth in the magistrate judge’s March 11, 2013 findings and recommendations, petitioner has not made a substantial showing of the denial of a constitutional right. Accordingly, a certificate of appealability should not issue in this action.

IT IS SO ORDERED.
DATED: September 4, 2013

/s/ John A. Mendez
UNITED STATES DISTRICT COURT JUDGE