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

JUSTIN WAYNE BEEBE,

Petitioner,

No. 2: 12-cv-0155 LKK KJN P

vs.

F. CHAVEZ,

Respondent.

ORDER

Petitioner, a state prisoner proceeding pro se, has timely filed a notice of appeal of this court's February 19, 2013 denial of his petition for writ of habeas corpus.¹ 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.

¹ Petitioner’s notice of appeal is court file stamped April 8, 2013. However, petitioner signed the notice of appeal on March 12, 2013 and the proof of service indicates that it was served on that date. Pursuant to the mailbox rule, the notice of appeal is timely filed.

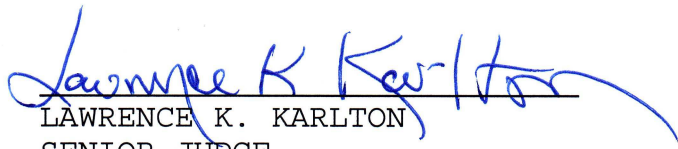
1 Fed. R. App. P. 22(b).

2 After careful review of the entire record herein, this court finds that petitioner has
3 not satisfied the requirement for issuance of a certificate of appealability in this case. For the
4 reasons stated in the October 19, 2012 findings and recommendations, petitioner has not made a
5 substantial showing of the denial of a constitutional right. Accordingly, a certificate of
6 appealability is not issued in this action.

7 IT IS SO ORDERED.

8 DATED: July 9, 2013.

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LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT