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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBIN STARR,
Petitioner,
v.
STATE OF CALIFORNIA,
Respondent.

No. 2:13-cv-0006 KJM AC P

ORDER

Petitioner, a state prisoner proceeding pro se, has timely filed a notice of appeal of this court's May 31, 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 findings and recommendations filed on February 27, 2013, and adopted by this court on May 31, 2013, 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 12, 2013.


UNITED STATES DISTRICT JUDGE