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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

DANIEL F. BORDEN,  
Plaintiff,  
v.  
GARY SWARTHOUT,  
Defendant.


No. 2:14-CV-01400-MCE-DMC

**ORDER**

This case is on remand from the Ninth Circuit for the limited purpose of determining whether a certificate of appealability should issue. ECF No. 53. The Court hereby DECLINES to issue a certificate of appealability because Petitioner has not shown that “jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the [this Court] was correct in its procedural ruling.” Slack v. McDaniel, 529 U.S. 473, 484 (2000); see also 28 U.S.C. § 2253(c)(2).

IT IS SO ORDERED.

Dated: May 29, 2020

  
MORRISON C. ENGLAND, JR.  
UNITED STATES DISTRICT JUDGE