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**United States District Court**  
For the Northern District of California

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

DAVID J. CARPENTER,  
  
  Petitioner,  
  
  v.  
  
ROBERT L. AYERS, Jr., Warden of  
California State Prison at San Quentin,  
  
  Respondent.

NOS. C 98-2444 MMC  
C-00-3706 MMC

ORDER DENYING MOTION  
FOR A CERTIFICATE OF  
APPEALABILITY

**DEATH PENALTY CASES**

Petitioner has filed a notice of appeal to the Ninth Circuit. Petitioner intends to appeal certain language in a Protective Order entered by this Court on August 21, 2008.

In conjunction with his appeal, petitioner has filed a motion for a certificate of appealability. By order filed September 12, 2008, this Court concluded that petitioner was not entitled to appeal the Protective Order. As a result, this Court declines to issue a certificate of appealability and, accordingly, petitioner’s motion is hereby DENIED.

**IT IS SO ORDERED.**

DATED: September 16, 2008

  
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MAXINE M. CHESNEY  
UNITED STATES DISTRICT JUDGE