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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


MAXINE M. CHESNEY
UNITED STATES DISTRICT JUDGE