

United States District Court
For the Northern District of California

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

MICHAEL B. WILLIAMS,)	No. C 03-5147 MMC (PR)
)	
Petitioner,)	ORDER DENYING CERTIFICATE
)	OF APPEALABILITY
v.)	
)	(Docket No. 56)
STEPHEN MAYBERG, Warden,)	
)	
Respondent.)	

On November 21, 2003, petitioner, a civil detainee then confined at Atascadero State Hospital pursuant to California Welfare and Institutions Code § 6602, filed the above-titled petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging a 1991 state court conviction. On November 8, 2004, respondent’s motion to dismiss the petition as untimely was granted, judgment was entered in respondent’s favor, and the case was closed. The Ninth Circuit Court of Appeals thereafter denied petitioner’s request for a certificate of appealability. Subsequently, petitioner filed a motion for reconsideration in this court, which motion was denied on April 27, 2007. Thereafter, the Court denied petitioner’s request for a certificate of appealability with respect to the denial of the motion for reconsideration. The Court of Appeals likewise denied petitioner’s request for a certificate of appealability with respect thereto.

On October 15, 2009, petitioner filed a second motion for reconsideration. The Court denied that motion on August 3, 2010. Petitioner has now filed a notice of appeal and request for a certificate of appealability with respect to the denial of his second motion for

1 reconsideration. Petitioner has not shown, however, “that jurists of reason would find it
2 debatable” whether the Court was correct in its ruling. See Slack v. McDaniel, 529 U.S. 473,
3 484 (2000). Accordingly, the request for a certificate of appealability is hereby DENIE

4 The Clerk shall forward this order, along with the case file, to the United States Court
5 of Appeals for the Ninth Circuit, from which petitioner may also seek a certificate of
6 appealability. See United States v. Asrar, 116 F.3d 1268, 1270 (9th Cir. 1997).

7 This order terminates Docket No. 56.

8 IT IS SO ORDERED.

9 DATED: October 21, 2010


MAXINE M. CHESNEY
United States District Judge

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