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5 UNITED STATES DISTRICT COURT  
6 NORTHERN DISTRICT OF CALIFORNIA  
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8 VU TRONG NGUYEN,  
9 Petitioner,

No. C 04-4104 MHP (pr)

**ORDER**

10 v.

11 DERRAL ADAMS, warden,  
12 Respondent.  
13 \_\_\_\_\_/

14 Petitioner's motion for an extension of time to file a notice of appeal is GRANTED.  
15 (Docket # 38.) The original deadline to appeal is extended by thirty days. The notice of  
16 appeal filed on December 9, 2008 therefore is timely.

17 Petitioner's application for a certificate of appealability is DENIED because petitioner  
18 has not made "a substantial showing of the denial of a constitutional right." 28 U.S.C. §  
19 2253(c)(2). (Docket # 40.) Petitioner has not demonstrated that "reasonable jurists would  
20 find the district court's assessment of the constitutional claims debatable or wrong." Slack v.  
21 McDaniel, 529 U.S. 473, 484 (2000). Petitioner's motion for appointment of counsel to assist  
22 him in the preparation of an application for certificate of appealability is DENIED. (Docket  
23 # 41.)

24 The clerk shall forward to the court of appeals the case file with this order. See  
25 United States v. Asrar, 116 F.3d 1268, 1270 (9th Cir. 1997).

26 IT IS SO ORDERED.

27 DATED: January 20, 2009

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Marilyn Hall Patel  
United States District Judge

United States District Court  
For the Northern District of California