

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

NHAT D. MAI,

Petitioner,

v.

ROBERT A. HOREL, Warden,

Respondent.

No. C 05-5272 MMC (PR)

**ORDER DENYING CERTIFICATE
OF APPEALABILITY; DIRECTIONS
TO CLERK**

(Docket No. 41)

On December 20, 2005, petitioner, a California prisoner proceeding pro se, filed the above-titled petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On February 26, 2009, the Court denied the petition on the merits.

Petitioner has now filed a request for a certificate of appealability. Petitioner has not shown, however, “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 district court was correct in its procedural ruling.” Slack v. McDaniel, 529 U.S. 473, 484 (2000). Accordingly, the request for a certificate of appealability is hereby DENIED.


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

This order terminates Docket No. 41.

IT IS SO ORDERED.

DATED: April 13, 2009


MAXINE M. CHESNEY
United States District Judge