

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

DAVID COMBS,	)	No. C 06-0186 MMC (PR)
	)	
Petitioner,	)	<b>ORDER DENYING CERTIFICATE</b>
	)	<b>OF APPEALABILITY</b>
v.	)	
	)	
TOM L. CAREY, Warden,	)	
	)	
Respondent.	)	(Docket No. 29)

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On January 11, 2006, 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 October 30, 2008, the Court denied the petition on the merits.

Petitioner has now filed a notice of appeal, which the Court construes as including a request for a certificate of appealability pursuant to 28 U.S.C. § 2253(c) and Federal Rule of Appellate Procedure 22(b). See United States v. Asrar, 116 F.3d 1268, 1270 (9th Cir. 1997). 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 Asrar, 116 F.3d at 1270.

This order terminates Docket No. 29.

**IT IS SO ORDERED.**

DATED: January 6, 2009

  
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MAXINE M. CHESNEY  
United States District Judge