

FILED

UNITED STATES COURT OF APPEALS

SEP 18 2008

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

<p>DANIEL STERLING,</p> <p>Petitioner - Appellant,</p> <p>v.</p> <p>ATTORNEY GENERAL OF THE STATE OF CALIFORNIA,</p> <p>Respondent - Appellee.</p>
--

No. 08-15203

D.C. No. CV-06-01583-WHA
Northern District of California,
San Francisco

ORDER

Before: LEAVY and CLIFTON, Circuit Judges.

The request for a certificate of appealability is denied due to the failure to file a timely notice of appeal. *See* Fed. R. App. P. 4(a); 28 U.S.C. § 2107(a).

All pending motions are denied.