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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA

11 RONALD EDWARD SMITH,
12
13 Petitioner and Appellant,

14 vs.

15 No. CV 06-01637 MMC

16 CHARLES PLUMMER, Sheriff,
17 Alameda County Jail,

18 Respondent and Appellee.
19 _____/

20 **CERTIFICATE OF APPEALABILITY**

21 Having considered the Application of Petitioner Ronald Smith and all of the
22 documents on file in this matter, and finding good cause therefor, the Court determines that
23 Petitioner has made a substantial showing of the denial of a constitutional right in regard to
24 the claim set forth in the above-captioned habeas corpus petition. The Court accordingly
25 certifies the appealability of Petitioner's claim that he was deprived of due process of law,
26 under the principles outlined in *Santobello v. New York*, 404 U.S. 257 (1971) and its
27 progeny, when the State initiated civil commitment proceedings against him. The Court
28 further certifies that "jurists of reason" could disagree as to whether the abstention doctrine
set forth in *Younger v. Harris*, 401 U.S. 37 (1971) is applicable to the instant case.

IT IS SO ORDERED.

Dated: June 15, 2010


MAXINE M. CHESNEY
United States District Judge