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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOSE PEREZ MEDINA,

No. C-06-2480 EMC

Petitioner,

v.

**ORDER DENYING PETITIONER'S
MOTION FOR A CERTIFICATE OF
APPEALABILITY**

JEANNE WOODFORD, Warden,

Respondent.

(Docket No. 40)

Previously, the Court issued an order denying Petitioner Jose Perez Medina's petition for a writ of habeas corpus. *See* Docket No. 38 (order). In the order, the Court inadvertently failed to address whether or not a certificate of appealability should issue. *See* Section 2254 Case Rule 11 (providing that "[t]he district court must issue or deny a certificate of appealability when it enters a final order adverse to the applicant"). Mr. Medina thus filed, in conjunction with his notice of appeal, a motion for a certificate of appealability. The Court hereby **DENIES** Mr. Medina's motion. That is, a certificate of appealability will not issue. *See* 28 U.S.C. § 2253(c). This is not a case in which "reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

IT IS SO ORDERED.

Dated: February 15, 2012



 EDWARD M. CHEN
 United States District Judge