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5 UNITED STATES DISTRICT COURT
6 NORTHERN DISTRICT OF CALIFORNIA
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8 JOHN JOE LARA,

No. C 06-3138 MHP (pr)

9 Petitioner,

**ORDER DENYING CERTIFICATE
OF APPEALABILITY**

10 v.

11 JAMES A. YATES, warden,

12 Respondent.
13 _____/

14 Petitioner has filed a notice of appeal and requested a certificate of appealability.
15 See 28 U.S.C. § 2253(c). The request for a certificate of appealability is DENIED. (Docket
16 # 67.) This is not a case in which "reasonable jurists would find the district court's
17 assessment of the constitutional claims debatable or wrong." Slack v. McDaniel, 529 U.S.
18 473, 484 (2000). In light of the denial of the certificate of appealability, petitioner's request
19 for appointment of counsel made in the same filing also is denied.

20 IT IS SO ORDERED.

21 DATED: March 4, 2011


22 _____
Marilyn Hall Patel
United States District Judge