

FILED

NOV 3 2009

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JAMES WASHINGTON,

No. C 06-4490 SI (pr)

Petitioner,

**ORDER GRANTING CERTIFICATE
OF APPEALABILITY IN PART**

v.

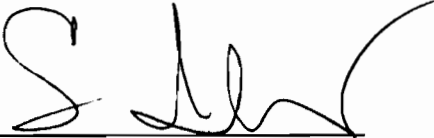
D. OLLISON, warden,

Respondent.

Petitioner has filed a notice of appeal and request for certificate of appealability. See 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b). Petitioner has "made a substantial showing of the denial of a constitutional right," 28 U.S.C. § 2253(c)(2), and reasonable jurists would find debatable the district court's assessment of the instructional error/prosecutorial misconduct/ineffective assistance claim discussed in section "B" at pp. 16-21 of the order denying petition for writ of habeas corpus. See Slack v. McDaniel, 529 U.S. 473, 484 (2000). Accordingly, a certificate of appealability is GRANTED on this claim. The certificate of appealability is DENIED as to all the other claims in the petition. (Docket # 68.) The clerk shall process the appeal.

IT IS SO ORDERED.

DATED: November 3, 2009


SUSAN ILLSTON
United States District Judge

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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

JAMES WASHINGTON,
Plaintiff,

Case Number: CV06-04490 SI

CERTIFICATE OF SERVICE

v.

D OLLISON, WARDEN et al,
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on November 5, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

James Washington
Ironwood State Prison
T-24784
P.O. Box 2199
Blythe, CA 92226

Dated: November 5, 2009

Richard W. Wieking, Clerk
By: Tracy Forakis, Deputy Clerk

