

United States District Court  
For the Northern District of California

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UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CHARLES LEE WILLIAMS,	)	No. C 06-5825 MMC (PR)
	)	
Petitioner,	)	<b>ORDER DENYING CERTIFICATE</b>
	)	<b>OF APPEALABILITY</b>
v.	)	
	)	
ANTHONY J. MALFI, Warden	)	
	)	
Respondent.	)	
_____	)	

On September 22, 2006, petitioner, a California prisoner proceeding pro se, filed the above-titled petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On August 25, 2009, the Court denied the petition on the merits.

Petitioner has now filed a notice of appeal, which the Court construes as including a request for a certificate of appealability pursuant to 28 U.S.C. § 2253(c) and Federal Rule of Appellate Procedure 22(b). See United States v. Asrar, 116 F.3d 1268, 1270 (9th Cir. 1997). A certificate of appealability will not issue. Petitioner had not demonstrated that “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).

Accordingly, the request for a certificate of appealability is hereby DENIED.


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The Clerk shall forward this order, along with the case file, to the United States Court of Appeals for the Ninth Circuit, from which petitioner may also seek a certificate of appealability. Petitioner may also file a motion with the Ninth Circuit to proceed in forma pauperis pursuant to Federal Rule of Appellate Procedure 24(a)(5).

**IT IS SO ORDERED.**

DATED: January 14, 2010

  
MAXINE M. CHESNEY  
United States District Judge