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5 IN THE UNITED STATES DISTRICT COURT  
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
7

8 ROBERT C. NAWI,

No. C 07-261 SI

9 Petitioner,

**ORDER DENYING MOTION FOR  
CERTIFICATE OF APPEALABILITY**

10 v.

11 R. EVANS, Warden,

12 Respondent.  
13 \_\_\_\_\_/

14 Petitioner's motion for a certificate of appealability is DENIED. Petitioner has not made "a  
15 substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). It cannot be said  
16 that "reasonable jurists would find the district court's assessment of the constitutional claims debatable  
17 or wrong." *Slack v. McDaniel*, 529 U.S. 413, 484 (2000). The denial of the certificate of appealability  
18 is without prejudice to petitioner seeking a certificate from the United States Court of Appeals for the  
19 Ninth Circuit.

20  
21 **IT IS SO ORDERED.**

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23 Dated: September 1, 2011



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SUSAN ILLSTON  
United States District Judge