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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LEWIS DALE BANKSTON,

Petitioner,

v.

BEN CURRY, Warden,

Respondent.

No. C 07-1819 CRB

CERTIFICATE OF APPEALABILITY

Now before the Court is petitioner's request for issuance of a certificate of appealability ("COA"). A judge shall grant a COA "if the applicant has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). "Where a district court has rejected the constitutional claims on the merits, the showing required to satisfy § 2253(c) is straightforward: the petitioner must demonstrate 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).

Here, the Court GRANTS a certificate of appealability with respect to Petitioner's claim that he was improperly denied parole.

IT IS SO ORDERED.

Dated: June 4, 2010



CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE

United States District Court
For the Northern District of California

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