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

10 CHARLES M. FORDJOUR,

11 Petitioner,

12 v.

13 ROBERT L. AYERS, et al.,

14 Respondents.

No. C 07-2111 MMC (PR)

**ORDER DENYING CERTIFICATE
OF APPEALABILITY**

(Docket No. 53)

15 On March 20, 2007, petitioner, a California prisoner then incarcerated at San Quentin
16 State Prison and proceeding pro se, filed the above-titled habeas corpus action, alleging that
17 the revocation of his parole, on February 21, 2007 in Contra Costa County, violated federal
18 law. He sought release from custody. On June 1, 2009, the Court dismissed the petition as
19 moot for the reason that petitioner, in January 2009, had obtained a “mandatory parole
20 discharge” from the term of parole that underlies petitioner’s claims in the instant action.
21 Consequently, the Court concluded that the case-or-controversy requirement is no longer
22 satisfied in the instant action, and the Court is without continuing jurisdiction over the
23 petition. (Order, filed June 1, 2009, at 3:17-5:1.)

24 Petitioner has now filed a notice of appeal, which the Court construes as including a
25 request for a certificate of appealability pursuant to 28 U.S.C. § 2253(c) and Federal Rule of
26 Appellate Procedure 22(b). See United States v. Asrar, 116 F.3d 1268, 1270 (9th Cir. 1997).
27 Petitioner has not shown, however, “that jurists of reason would find it debatable whether the
28 petition states a valid claim of the denial of a constitutional right and that jurists of reason

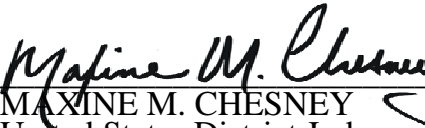
1 would find it debatable whether the district court was correct in its procedural ruling.” Slack
2 v. McDaniel, 529 U.S. 473, 484 (2000). Accordingly, the request for a certificate of
3 appealability is hereby DENIED.

4 The Clerk shall forward this order, along with the case file, to the United States Court
5 of Appeals for the Ninth Circuit, from which petitioner may also seek a certificate of
6 appealability. See Asrar, 116 F.3d at 1270.

7 This order terminates Docket No. 53.

8 IT IS SO ORDERED.

9 DATED: July 10, 2009

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11 MAXINE M. CHESNEY
12 United States District Judge
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