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

KEITH MacMEEKIN,)	
)	
Petitioner,)	No. C 07-3771 CRB (PR)
)	
vs.)	ORDER GRANTING
)	CERTIFICATE OF
BEN CURRY, Warden,)	APPEALABILITY AS TO
)	ONE CLAIM
Respondent.)	
_____)	

Per order filed on July 7, 2010, the Ninth Circuit remanded this case to the district court for the limited purpose of granting or denying a certificate of appealability (COA) under 28 U.S.C. § 2253(c) and Federal Rule of Appellate Procedure 22(b).

A COA is granted as to petitioner's claim that the California Board of Parole Hearings' March 14, 2006 decision to deny him parole is not supported by some evidence. Cf. Pirtle v. California Bd. of Prison Terms, No. 07-16097, 2010 WL 2732888, at *8 (9th Cir. July 12, 2010) (holding that board's decision to deny parole was not supported by some evidence of current dangerousness because board's stated reasons for denial of parole either lacked evidentiary support or had no rational relationship to petitioner's current dangerousness); Cooke v. Solis, 606 F.3d 1206, 1215-16 (9th Cir. 2010) (same). But a COA is denied as to petitioner's other claims because it cannot be said that "reasonable jurists would

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find the district court's assessment of [those] constitutional claims debatable or wrong." Slack v. McDaniel, 529 U.S. 473, 484 (2000).

The clerk shall close the file and forward to the Ninth Circuit the case file with this order. See United States v. Asrar, 116 F.3d 1268, 1270 (9th Cir. 1997).

SO ORDERED.

DATED: Aug. 6, 2010



CHARLES R. BREYER
United States District Judge