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

8 PATRICK BAYLIS,

9 Petitioner,

10 vs.

11 JAMES TILTON, Warden,

12 Respondent.
13

)
) No. C 07-5791 CRB (PR)

) ORDER DENYING
) CERTIFICATE OF
) APPEALABILITY
)
14

15 Petitioner has filed a notice of appeal which the court also construes as a
16 request for a certificate of appealability under 28 U.S.C. § 2253(c) and Federal
17 Rule of Appellate Procedure 22(b).

18 A certificate of appealability is DENIED because petitioner has not made
19 "a substantial showing of the denial of a constitutional right." 28 U.S.C. §
20 2253(c)(2). Petitioner has not demonstrated that "reasonable jurists would find
21 the district court's assessment of the constitutional claims debatable or wrong."
22 Slack v. McDaniel, 529 U.S. 473, 484 (2000).

23 The clerk shall forward to the court of appeals the case file with this order.
24 See United States v. Asrar, 116 F.3d 1268, 1270 (9th Cir. 1997).

25 SO ORDERED.

26 DATED: JUL 31 2009

27 
28 CHARLES R. BREYER
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

PATRICK M BAYLIS,
Plaintiff,

Case Number: CV07-05791 CRB
CERTIFICATE OF SERVICE

v.


JAMES TILTON et al,
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on July 31, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Patrick Baylis V-31394
C.S.P. Solano
P.O. Box 4000
Vacaville, CA 95696

Dated: July 31, 2009


Richard W. Wieking, Clerk
By: Lashanda Scott, Deputy Clerk