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28UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JESUS VALENCIA,

No. C 08-01144 MHP

Petitioner,

**CERTIFICATE OF APPEALABILITY**

v.

ANTHONY HEDGPETH, Warden,

Respondent.  

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On August 24, 2010, the court denied the petition for habeas corpus. *See* Docket No. 25. Petitioner has requested a certificate of appealability as to all of his rejected claims. *See* Docket No.27; 28 U.S.C. § 2253(c). A certificate of appealability is granted as to the following issues:


1. Whether Petitioner was deprived of the effective assistance of counsel under the Sixth and Fourteenth Amendments when his trial attorney failed to move for the exclusion of Petitioner's incriminating statements as involuntarily obtained
2. Whether Petitioner was deprived of the effective assistance of counsel under the Sixth and Fourteenth Amendments when his trial attorney failed to object to the evidence that K. saw L. leave Petitioner's room with a "red stain" on her clothes, or, in the alternative, whether counsel performed ineffectively when he failed to request CALJIC Nos. 2.50.1 and 2.50.2.

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As to Petitioner’s remaining claims, the request for a certificate of appealability is DENIED, as “reasonable jurists would [not] find the district court’s assessment of the constitutional claims debatable or wrong.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

IT IS SO ORDERED.

Dated: *April 6, 2011*

  
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MARILYN HALL PATEL  
United States District Court Judge  
Northern District of California