

United States District Court
For the Northern District of California

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

MARCO ANTONIO LOPEZ,

Petitioner,

v.

ANTHONY HEDGEPEETH,
Warden,

Respondent.

No. C 08-1452 MHP (PR)

**ORDER DENYING CERTIFICATE
OF APPEALABILITY**

The Court has denied Petitioner’s petition for a writ of habeas corpus on the merits.

Petitioner has now filed a request for a certificate of appealability. Petitioner has not shown, however, “that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling.” Slack v. McDaniel, 529 U.S. 473, 484 (2000). Accordingly, the request for a certificate of appealability is hereby DENIED.

The Clerk shall forward this order, along with the case file, to the United States Court of Appeals for the Ninth Circuit, from which Petitioner may also seek a certificate of appealability. See United States v. Asrar, 116 F.3d 1268, 1270 (9th Cir. 1997).

IT IS SO ORDERED.

DATED: October 26, 2009


Marilyn Hall Patel
United States District Judge