

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

RODRIGO VASQUEZ
HERNANDEZ,

Petitioner,

v.

ANTHONY HEDGPETH,

Respondent.

NO. C08-2892 TEH


ORDER DENYING REQUEST
FOR CERTIFICATE OF
APPEALABILITY

United States District Court
For the Northern District of California

The Court is in receipt of Petitioner Rodrigo Vasquez Hernandez’s application for a certificate of appealability.¹ The application is DENIED because the Court finds that Petitioner has failed to make a “substantial showing of the denial of a constitutional right” on any of his claims. 28 U.S.C. § 2253(c)(2); *see also Slack v. McDaniel*, 529 U.S. 473, 483-84 (2000) (explaining that an applicant satisfies this standard where he or she shows that reasonable jurists could find the issues debatable or that the issues are “adequate to deserve encouragement to proceed further”) (quoting *Barefoot v. Estelle*, 463 U.S. 880, 893 n.4 (1983)). The Clerk shall forward the case file to the court of appeals with this order. *United States v. Asrar*, 116 F.3d 1268, 1270 (9th Cir. 1997).

IT IS SO ORDERED.

Dated: 08/31/09



THELTON E. HENDERSON, JUDGE
UNITED STATES DISTRICT COURT

¹In his request, Petitioner again raises the specter of a violation of *Brady v. Maryland*, 373 U.S. 83 (1963), but no such claim was presented in his petition. If Petitioner wishes to file a second habeas petition raising this claim, he must first obtain authorization from the United States Court of Appeals for the Ninth Circuit. *See* 28 U.S.C. § 2244(b)(3).