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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RONALD WILLIS,

No. C 08-3355 MHP (pr)

Petitioner,

ORDER

v.

BEN CURRY, warden,

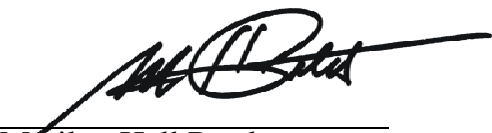
Respondent.

Petitioner's request for the court to consider his opposition to motion to dismiss and to amend judgment is GRANTED in part. (Docket # 11.) The court has reviewed petitioner's opposition to respondent's motion to dismiss and finds the arguments therein unpersuasive. Accordingly, the court DENIES the request to amend or alter the judgment.

A certificate of appealability is DENIED because petitioner has not demonstrated 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). This denial is without prejudice to petitioner seeking a certificate of appealability from the court of appeals under Federal Rule of Appellate Procedure 22 if he chooses to appeal. See Rule 11 of Rules Governing Section 2254 Cases In The United States District Courts.

IT IS SO ORDERED.

DATED: November 17, 2010



Marilyn Hall Patel
United States District Judge