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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GABRIEL HERNANDEZ,
Petitioner,

No. C 08-4085 SI (pr)

**ORDER DENYING CERTIFICATE
OF APPEALABILITY**

v.


KELLY HARRINGTON, Acting Warden,
Respondent.

_____ /

The court denied a certificate of appealability in its July 1, 2011 Order Denying Habeas Petition and Denying Certificate of Appealability. Thereafter, petitioner filed an application for a certificate of appealability. A certificate of appealability will not issue. 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). The application for a certificate of appealability is DENIED. (Docket # 35.) All further motions should be filed in the U.S. Court of Appeals for the Ninth Circuit.

IT IS SO ORDERED.

DATED: September 13, 2011



SUSAN ILLSTON
United States District Judge

United States District Court
For the Northern District of California