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5 UNITED STATES DISTRICT COURT
6 NORTHERN DISTRICT OF CALIFORNIA
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8 ANTONIO C. GANS,

No. C 08-4676 SI (pr)

9 Petitioner,

**ORDER DENYING CERTIFICATE
OF APPEALABILITY**

10 v.

11 R. G. WONG, warden,

12 Respondent.
13 _____/


14 Petitioner has filed a notice of appeal from the order denying his petition for writ of
15 habeas corpus. He has not requested a certificate of appealability, but the notice of appeal will
16 be treated as such a request. See United States v. Asrar, 116 F.3d 1268, 1270 (9th Cir. 1997).
17 (if no express request for COA, notice of appeal shall be deemed request for certificate).

18 A certificate of appealability will not issue here because petitioner has not made "a
19 substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). This is not
20 a case in which "reasonable jurists would find the district court's assessment of the constitutional
21 claims debatable or wrong." Slack v. McDaniel, 529 U.S. 473, 484 (2000).

22 The Clerk shall forward this order to the United States Court of Appeals for the Ninth
23 Circuit, from which Petitioner may also seek a certificate of appealability. See United States,
24 116 F.3d at 1270.

25 IT IS SO ORDERED.

26 DATED: July 1, 2010

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SUSAN ILLSTON
United States District Judge

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