

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

ANTHONY SORRELL,

No. C 09-05888 SI

Petitioner,

**ORDER DENYING CERTIFICATE OF  
APPEALABILITY**

v.

GARY SWARTHOUT,


Respondent.

Petitioner’s motion for a certificate of appealability is DENIED. Petitioner has not made “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). The Court considered petitioner’s sufficiency challenge in light of the overall record in this case, and it cannot be said that “reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong.” *Slack v. McDaniel*, 529 U.S. 413, 484 (2000).

Petitioner’s counsel has also indicated that he may be unable to represent petitioner on appeal. He believes that petitioner is indigent and qualifies for appointed counsel on that basis, and has asked for guidance from the Court. The Court will entertain a motion to proceed in forma pauperis on appeal, if accompanied by the proper documentation. *See* Fed. R. App. P. 24(a)(1). Any motion for appointment of counsel on appeal should be directed to the Ninth Circuit.

**IT IS SO ORDERED.**

Dated: August 30, 2011

  
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SUSAN ILLSTON  
United States District Judge