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

OSCAR FLORES RODRIGUEZ,)	No. C 10-5693 JSW (PR)
Petitioner,)	ORDER OF DISMISSAL
vs.)	
UNITED STATES OF AMERICA,)	
Respondent.)	
_____)	

This case was opened when Oscar Flores Rodriguez, a federal prisoner at the Nevada Southern Detention Center in Pahrump, Nevada, wrote a letter stating that he wanted to file a notice of appeal of his criminal sentence. The letter did not include Petitioner’s criminal case number, so the letter was filed as a habeas petition in a new case. Petitioner states that he does not know his criminal case number, but that it should be easy to find using his name. A search has produced no criminal cases with Petitioner’s name in this Court. As a result, the notice of appeal cannot be processed and this action is **DISMISSED**.

Rule 11(a) of the Rules Governing Section 2254 Cases now requires a district court to rule on whether a Petitioner is entitled to a certificate of appealability in the same order in which the petition is decided. Petitioner has failed to make a substantial showing that his claims amounted to a denial of his constitutional rights or demonstrate that a reasonable jurist would find this Court’s denial of his claim debatable or wrong. *Slack v.*

1 *McDaniel*, 529 U.S. 473, 484 (2000). Consequently, no certificate of appealability is
2 warranted in this case

3 The Clerk shall enter judgment and close the file.

4 IT IS SO ORDERED.

5 DATED: February 10, 2011



6 JEFFREY S. WHITE
7 United States District Judge
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1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA
4

5 OSCAR FLORES RODRIGUEZ,
6 Plaintiff,
7

Case Number: CV10-05693 JSW

CERTIFICATE OF SERVICE

8 v.
9 / et al,
10 Defendant.

11 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
12 Court, Northern District of California.

13 That on February 10, 2011, I SERVED a true and correct copy(ies) of the attached, by placing
14 said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by
15 depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office
16 delivery receptacle located in the Clerk's office.

17 Oscar Flores Rodriguez
18 #1466011
19 Nevada Southern Detention Center
20 2190 E. Mesquite Road
21 Pahrump, NV 89060

22 Dated: February 10, 2011



Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk