

1 subject to a sex offender registry requirement does not satisfy the ‘in custody’
2 requirement.” *Zichko v. Idaho*, 247 F.3d 1015, 1020 (9th Cir. 2001). As Petitioner is not
3 “in custody” for purposes of federal habeas jurisdiction, the instant petition is
4 DISMISSED. In light of this conclusion, moreover, Petitioner’s motion to amend
5 (docket number 9) is DENIED.

6 Furthermore, Petitioner has failed to make a substantial showing that his claims
7 amounted to a denial of his constitutional rights and that a reasonable jurist would find
8 this Court's denial of his claim debatable or wrong. *Slack v. McDaniel*, 529 U.S. 473,
9 484 (2000). Consequently, no certificate of appealability is warranted in this case.

10 The application to proceed in forma pauperis (docket number 2) is GRANTED.

11 The Clerk shall enter judgment and close the file.

12 IT IS SO ORDERED.

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DATED: December 21, 2011



JEFFREY S. WHITE
United States District Judge

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA
4

5 EDWARD E. VILLEGAS,
6 Plaintiff,

Case Number: CV11-02708 JSW

CERTIFICATE OF SERVICE

7 v.

8 KELLEY, ET AL. et al,
9 Defendant.
10 _____/

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

13 That on December 21, 2011, I SERVED a true and correct copy(ies) of the attached, by
14 placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter
15 listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an
16 inter-office delivery receptacle located in the Clerk's office.

17 Edward Eugene Villegas
18 1207 Lancelot Land
19 San Jose, CA 95127

20 Dated: December 21, 2011

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