

United States District Court
For the Northern District of California

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

LEIF THURSTON CARLSON, SR.,

Case No. CV 11-02976 CRB

Petitioner,

CERTIFICATE OF APPEALABILITY

v.

ATTORNEY GENERAL, State of
California,

Respondent.

Now before the Court is Carlson’s request for issuance of a certificate of appealability (“COA”). A judge shall grant a COA “if the applicant has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). “Where a district court has rejected the constitutional claims on the merits, the showing required to satisfy § 2253(c) is straightforward: the petitioner must demonstrate that reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong.” Slack v. McDaniel, 529 U.S. 473, 484 (2000). Indeed, “a claim can be debatable even though every jurist of reason might agree, after the COA has been granted and the case has received full consideration, that petitioner will not prevail.” Miller-El v. Cockrell, 537 U.S. 322, 338 (2003).

//
//
//

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Here, the Court concludes that reasonable jurists could debate whether the state courts' treatment of the Confrontation Clause issue warrants relief under 28 U.S.C. § 2254(d), and GRANTS a certificate of appealability as to that claim. Carlson has not argued that his Speedy Trial claim warrants a COA, and this Court concludes it does not.

IT IS SO ORDERED.

Dated: July 29, 2013



CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE