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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

STEVEN HADEN,

No. C-11-4799 EMC (pr)

Petitioner,

v.

**ORDER DENYING CERTIFICATE OF
APPEALABILITY**

MICHAEL MARTEL, Warden, *et al.*,

Respondents.

Petitioner filed this action pursuant to 28 U.S.C. § 2254 to challenge the sentence imposed for his 1998 spousal abuse conviction from the San Mateo County Superior Court. His earlier habeas petition challenging that conviction, *Haden v. Hubbard*, No. C 01-20404 JF, was denied in 2004. The Court dismissed the present action without prejudice to Petitioner filing a new action after he obtains permission from the U.S. Court of Appeals for the Ninth Circuit to file a second or successive petition.

Petitioner has filed a notice of appeal and application for a certificate of appealability. *See* 28 U.S.C. § 2253(c). The application for a certificate of appealability is **DENIED**. (Docket # 6.) This is not a case in which "jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable

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1 whether the district court was correct in its procedural ruling." *Slack v. McDaniel*, 529 U.S. 473,
2 484 (2000). The Clerk shall forward to the Court of Appeals the case file with this Order. *See*
3 *United States v. Asrar*, 116 F.3d 1268, 1270 (9th Cir. 1997).

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5 IT IS SO ORDERED.

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7 Dated: April 3, 2012

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11 EDWARD M. CHEN
12 United States District Judge
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