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

LEOPOLDO GUZMAN ZARAGOZA,)	
)	
Petitioner,)	No. C 11-5392 CRB (PR)
)	
vs.)	ORDER DENYING
)	CERTIFICATE OF
FRANK X. CHAVEZ, Warden,)	APPEALABILITY
)	
Respondent.)	(Docket # 12)
_____)	

Petitioner has filed a notice of appeal and request for a certificate of appealability (COA) under 28 U.S.C. § 2253(c) and Federal Rule of Appellate Procedure 22(b) following the court's July 30, 2012 order granting respondent's motion to dismiss the petition as untimely.

Petitioner's request for a COA (docket # 12) is DENIED because petitioner has not made "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). Petitioner has not demonstrated that "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 whether the district court was correct in its procedural ruling." Slack v. McDaniel, 529 U.S. 473, 484 (2000).

The clerk shall forward to the court of appeals the case file with this order. See United States v. Asrar, 116 F.3d 1268, 1270 (9th Cir. 1997).

SO ORDERED.

DATED: Aug. 21, 2012



CHARLES R. BREYER
United States District Judge