

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

HAROLD BUTTS, JR.,
Petitioner,
v.
MATTHEW CATE,
Respondent.

NO. C11-5758 TEH

ORDER DENYING
CERTIFICATE OF
APPEALABILITY

Having denied Petitioner’s request for habeas relief, this Court must issue or deny a certificate of appealability pursuant to Rule 11(a) of the Rules Governing Section 2254 Cases. The Court DENIES a certificate of appealability because Petitioner has failed to make a “substantial showing of the denial of a constitutional right” on any of his claims. 28 U.S.C. § 2253(c)(2); *see also Slack v. McDaniel*, 529 U.S. 473, 483-84 (2000) (explaining that an applicant satisfies this standard where he or she shows that reasonable jurists could find the issues debatable or that the issues are “adequate to deserve encouragement to proceed further”) (quoting *Barefoot v. Estelle*, 463 U.S. 880, 893 n.4 (1983)). Petitioner may not appeal the denial of a certificate of appealability “but may seek a certificate from the court of appeals under Federal Rule of Appellate Procedure 22.” Rule 11(a) of the Rules Governing Section 2254 Cases.

IT IS SO ORDERED.

Dated: 04/16/12



THELTON E. HENDERSON, JUDGE
UNITED STATES DISTRICT COURT