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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CURTIS WHITEHEAD,

No. C-12-3487 EMC

Petitioner,

v.

**ORDER DENYING CERTIFICATE OF  
APPEALABILITY, AND GRANTING  
PETITIONER'S APPLICATION TO  
PROCEED *IN FORMA PAUPERIS***

ANTHONY HEDGPETH, Warden,

Respondent.

**(Docket No. 32)**

Petitioner filed a notice of appeal. A certificate of appealability will not issue. *See* 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b)(1). 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 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).

Petitioner’s application to proceed *in forma pauperis* is **GRANTED**.

This order disposes of Docket No. 32.

IT IS SO ORDERED.

Dated: October 22, 2013

  
EDWARD M. CHEN  
United States District Judge