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

JAIRO BRAVO PEDROZA, G-40867,)	
)	
Petitioner,)	No. C 12-4702 CRB (PR)
)	
vs.)	ORDER DENYING
)	CERTIFICATE OF
FRED FIGUEROA, Warden,)	APPEALABILITY
)	
Respondent.)	(Docket #14)
_____)	

Petitioner has filed a notice of appeal of the court’s August 19, 2013 order granting respondent’s motion to dismiss the petition as untimely, which the court also construes as a request for a certificate of appealability under 28 U.S.C. § 2253(c) and Federal Rule of Appellate Procedure 22(b).

Petitioner’s request for a certificate of appealability (docket #14) 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: Sept. 4, 2013



 CHARLES R. BREYER
 United States District Judge