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United States District Court
For the Northern District of California

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

EARNEST S. HARRIS,
Petitioner,

No. C 12-6536 WHA (PR)

**ORDER DENYING CERTIFICATE
OF APPEALABILITY**

v.

LEWIS, Warden,
Respondent.

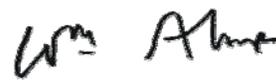
(Dkt. 8)

_____/

Petitioner, a California prisoner incarcerated at Pelican Bay State Prison, filed this pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. 2254 challenging the calculation of his time credits and the validity of his sentence. His motion for a certificate of appealability is (dkt. 8) **DENIED** as premature as there has not yet been an appealable order or judgment. When and if judgment is entered against him, this court will rule on whether or not to issue a certificate of appealability. Petitioner will then have thirty days in which to appeal the judgment by filing a notice of appeal in this court. If this court denies a certificate of appealability, petitioner may then file a motion in the United States Court of Appeals for a certificate of appealability.

IT IS SO ORDERED.

Dated: April 17, 2013.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE