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

MISAEEL QUINTANA,
Petitioner,

v.

CONNIE GIPSON, WARDEN,
Respondent.

No. C13-05819 CRB

**ORDER GRANTING CERTIFICATE OF
APPEALABILITY**


This case has been remanded for the limited purpose of granting of denying a certificate of appealability (“COA”). A judge shall grant a COA “if the applicant has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). “Where a district court has rejected the constitutional claims on the merits, the showing required to satisfy section 2253(c) is straightforward: the petitioner must demonstrate that reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong.” Slack v. McDaniel, 529 U.S. 473, 484 (2000). Indeed, “a claim can be debatable even though every jurist of reason might agree, after the COA has been granted and the case has received full consideration, that petitioner will not prevail.” Miller-El v. Cockrell, 537 U.S. 322, 338 (2003).

Here, the Court concludes that reasonable jurists could debate (1) whether there was insufficient evidence of duress; and (2) whether there was ineffective assistance of counsel

1 for failure to present Stoll evidence, to present certain defense witnesses, or to conduct a
2 polygraph test. The Court GRANTS a certificate of appealability as to those two claims.

3 **IT IS SO ORDERED.**

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5 Dated: November 7, 2014


6 CHARLES R. BREYER
7 UNITED STATES DISTRICT
8 JUDGE

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