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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MATTHEW AARON BROWN,
Petitioner,
v.
PARAMO,
Respondent.

Case No. [17-cv-03948-JD](#)

**ORDER DENYING
CERTIFICATE OF
APPEALABILITY**

Re: Dkt. No. 21

Petitioner’s habeas petition was denied on the merits and a certificate of appealability was denied. Petitioner filed a motion to alter or amend the judgement that was also denied. The Ninth Circuit remanded the case for the limited purpose of granting or denying a certificate of appealability with respect to the motion to alter or amend the judgment. *See Lynch v. Blodgett*, 999 F.2d 401, 403 (9th Cir. 1993) (certificate of probable cause to appeal necessary to appeal denial of post-judgment motion for relief under Rule 60(b)).

The Court grants a certificate of appealability “only if the applicant has made a substantial showing of the denial of a constitutional right,” 28 U.S.C. § 2253(c)(2), and the certificate must indicate which issues satisfy this standard. *Id.* § 2253(c)(3). “Where a district court has rejected the constitutional claims on the merits, the showing required to satisfy § 2253(c) is straightforward: [t]he 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).

Petitioner sought to bring an entirely new claim, and stated that he only recently learned the factual predicate of the claim. Petitioner provided no specific details supporting his assertion of newly discovered evidence to warrant reopening the case. A certificate of appealability

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(Docket No. 21) is **DENIED** for the motion to alter or amend the judgment. The Clerk shall forward this order to the Ninth Circuit in Case No. 18-17363.

IT IS SO ORDERED.

Dated: January 7, 2019



JAMES DONATO
United States District Judge

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

3 MATTHEW AARON BROWN,
4 Plaintiff,
5 v.
6 PARAMO,
7 Defendant.
8

Case No. [17-cv-03948-JD](#)

CERTIFICATE OF SERVICE

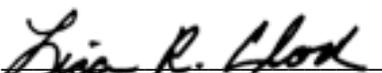
9 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S.
10 District Court, Northern District of California.

11
12 That on January 7, 2019, I SERVED a true and correct copy(ies) of the attached, by
13 placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by
14 depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery
15 receptacle located in the Clerk's office.
16

17 Matthew Aaron Brown ID: AW-1636
18 R.J. Donovan Correctional Facility D-19-127
19 480 Alta Rd.
20 San Diego, CA 92179

21 Dated: January 7, 2019

22
23 Susan Y. Soong
24 Clerk, United States District Court

25 By: 
26 LISA R. CLARK, Deputy Clerk to the
27 Honorable JAMES DONATO
28