

United States District Court
For the Northern District of California

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

JEFFREY M. DANIELS,

Petitioner,

v.

TOM L. CAREY, Warden,

Respondent.

No. C 98-03122 SBA (PR)

**ORDER DENYING REQUEST FOR
CERTIFICATE OF APPEALABILITY**

(Docket no. 50)

Petitioner, a state prisoner, has filed a notice of appeal and a request for a certificate of appealability (COA) pursuant to 28 U.S.C. § 2253(c) and Federal Rule of Appellate Procedure 22(b). Petitioner's request for a COA is denied because he has not made "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). The Court denied the instant habeas petition after careful consideration of the merits. The Court found no violation of Petitioner's federal constitutional rights in the underlying state court proceedings. Petitioner has not demonstrated 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).

For the foregoing reasons, the Court DENIES Petitioner's request for a COA (docket no. 50). The Clerk of the Court shall forward to the Ninth Circuit Court of Appeals the case file with this Order. See United States v. Asrar, 116 F.3d 1268, 1270 (9th Cir. 1997).

This Order terminates Docket no. 50.

IT IS SO ORDERED.

DATED: 4/9/10


SAUNDRA BROWN ARMSTRONG
United States District Judge

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 DANIELS,
5 Plaintiff,

Case Number: CV98-03122 SBA

CERTIFICATE OF SERVICE

6 v.

7 CARRY,
8 Defendant.

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

11 That on April 12, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
13 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
14 located in the Clerk's office.

15 Jeffrey M. Daniels C05131
16 CSP-LAC
17 P.O. Box 8457
18 Lancaster, CA 93539-8457

19 Dated: April 12, 2010

Richard W. Wiekling, Clerk
By: LISA R CLARK, Deputy Clerk

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