

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

4  
5 CLARENCE KNIGHT,

No. C 05-03670 SBA (PR)

6 Petitioner,

**ORDER DENYING REQUEST FOR  
CERTIFICATE OF APPEALABILITY AS  
UNNECESSARY**

7 v.

8 M. S. EVANS, WARDEN,

9 Respondent.

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United States District Court  
For the Northern District of California

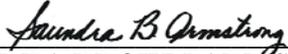
Petitioner has filed a notice of appeal and request for a certificate of appealability pursuant to 28 U.S.C. § 2253(c) and Federal Rule of Appellate Procedure 22(b) following this Court's denial of his habeas petition challenging the decision by prison officials, following a prison disciplinary hearing, revoking 360 days of behavioral/work credit.

Petitioner's request for a certificate of appealability is DENIED as unnecessary. The Ninth Circuit has determined that a state prisoner challenging the execution of a sentence, including the revocation of time credits stemming from prison disciplinary decisions, need not obtain a certificate of appealability. See Rosas v. Nielsen, 428 F.3d 1229, 1232 (9th Cir. 2005).

The Clerk of the Court shall process the notice of appeal.

IT IS SO ORDERED.

DATED: 2/11/09

  
SAUNDRA BROWN ARMSTRONG  
United States District Judge

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

4 KNIGHT,

5 Plaintiff,

6 v.

7 EVANS et al,

8 Defendant.

Case Number: CV05-03670 SBA

**CERTIFICATE OF SERVICE**

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 February 12, 2009, 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 Clarence V. Knight C07508  
16 Salinas Valley State  
17 P.O. Box 1050  
18 Soledad, CA 93960

19 Dated: February 12, 2009

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