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

ARTHUR PARNELL, III,	)	No. C 05-4324 SBA (PR)
	)	
Petitioner,	)	<b><u>ORDER DENYING PETITIONER'S</u></b>
v.	)	<b><u>REQUEST FOR A COA</u></b>
	)	
MIKE EVANS, Warden,	)	(Docket no. 28)
	)	
Respondent.	)	
_____	)	

Petitioner has filed notice of appeal and a request for a certificate of appealability under 28 U.S.C. § 2253(c) and Federal Rule of Appellate Procedure 22(b) following the Court's dismissal of his petition for a writ of habeas corpus as untimely.

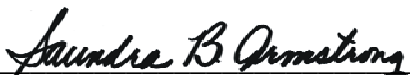
Petitioner's request for a certificate of appealability (docket no. 28) is DENIED. Petitioner has not demonstrated that "jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling." Slack v. McDaniel, 529 U.S. 473, 484 (2000).

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. 28.

IT IS SO ORDERED.

DATED: 3/8/10

  
 SAUNDRA BROWN ARMSTRONG  
 United States District Judge

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UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

PARNELL,

Plaintiff,

v.

EVANS et al,

Defendant.

Case Number: CV05-04324 SBA

**CERTIFICATE OF SERVICE**

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

That on March 10, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Arthur Parnell T50222  
Salinas Valley State Prison  
P.O. Box 1050  
Soledad, CA 93960-1050

Dated: March 10, 2010

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