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2
3 IN THE UNITED STATES DISTRICT COURT
4 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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6 SERGIO ALVAREZ,

No. C 06-4938 SBA (PR)

7 Petitioner,

**ORDER DENYING PETITIONER'S
REQUEST FOR A COA**

8 v.

(Docket no. 24)

9 ROBERT HOREL, Acting Warden,

10 Respondent.
_____ /

11
12 Petitioner has filed notice of appeal and a request for a certificate of appealability under 28
13 U.S.C. § 2253(c) and Federal Rule of Appellate Procedure 22(b) following the Court's dismissal of
14 his petition for a writ of habeas corpus as untimely.

15 Petitioner's request for a certificate of appealability (docket no. 24) is DENIED. Petitioner
16 has not demonstrated that "jurists of reason would find it debatable whether the petition states a
17 valid claim of the denial of a constitutional right and that jurists of reason would find it debatable
18 whether the district court was correct in its procedural ruling." Slack v. McDaniel, 529 U.S. 473,
19 484 (2000).

20 Petitioner's declaration in support of his application shows that he qualifies to proceed in
21 forma pauperis. His application (docket no. 27) is GRANTED.

22 The Clerk of the Court shall forward to the Ninth Circuit Court of Appeals the case file with
23 this Order. See United States v. Asrar, 116 F.3d 1268, 1270 (9th Cir. 1997).

24 This Order terminates Docket nos. 24 and 27.

25 IT IS SO ORDERED.

26 DATED: 3/8/10

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SAUNDRA BROWN ARMSTRONG

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United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

SERGIO ALVAREZ,

Plaintiff,

v.

BOB HOREL, WARDEN et al,

Defendant.

Case Number: CV06-04938 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.

Sergio Alvarez K42605
PO Box 7500
D3-114
Crescent City, CA 95532-7500

Dated: March 10, 2010

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