

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

WILLIAM RUSSELL GARRETT,)	No. C 06-5182 SBA (pr)
Petitioner,)	
v.)	ORDER DENYING CERTIFICATE
DAVID L. RUNNELS, Warden,)	OF APPEALABILITY; GRANTING
Respondent.)	MOTION TO EXTEND TIME TO
)	FILE A NOTICE OF APPEAL
)	
)	(Docket No. 44 & 45)

The Court has denied Petitioner’s petition for a writ of habeas corpus on the merits. Petitioner has now filed a request for a certificate of appealability (Docket No. 45). Petitioner has not shown, however, “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). Accordingly, the request for a certificate of appealability is hereby DENIED.

The Clerk shall forward this order, along with the case file, to the United States Court of Appeals for the Ninth Circuit, from which Petitioner may also seek a certificate of appealability. See United States v. Asrar, 116 F.3d 1268, 1270 (9th Cir. 1997).

1 Petitioner's motion for an extension of time to file a notice of appeal (Docket No. 44)
2 is GRANTED. Petitioner's notice of appeal (Docket No. 47) is deemed timely filed.

3 This order terminates Docket Nos. 44 & 45.

4 **IT IS SO ORDERED.**

5 DATED: 8/27/09

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7 SAUNDRA BROWN ARMSTRONG
8 United States District Judge
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1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 WILLIAM RUSSELL GARRETT,

5 Plaintiff,

6 v.

7 D.L. RUNNELS et al,

8 Defendant.

Case Number: CV06-05182 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 August 27, 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 William R. Garrett V-30110
16 California Men's Colony
17 P.O. Box 8101
18 San Luis Obispo, CA 93409-8101

19 Dated: August 27, 2009

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