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

BARRY SIMON JAMESON,)	No. C 07-03160 SBA (PR)
)	
Petitioner,)	<u>ORDER DENYING PETITIONER'S</u>
v.)	<u>REQUEST FOR A COA</u>
)	
JAMES A. YATES, Warden,)	
)	
Respondent.)	


Petitioner has filed notice of appeal following the Court's dismissal of his petition for a writ of habeas corpus. Petitioner did not file a motion for a certificate of appealability (COA); therefore, the Court will construe his notice of appeal as a request for a COA. See United States v. Asrar, 116 F.3d 1268, 1270 (9th Cir. 1997) ("If no express request is made for a certificate of appealability, the notice of appeal shall be deemed to constitute a request for a certificate.")

Petitioner's request for a COA (docket no. 26) 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).

IT IS SO ORDERED.

DATED: 3/2/10


 SAUNDRA BROWN ARMSTRONG
 United States District Judge

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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

BARRY SIMON JAMESON,

Plaintiff,

v.

JAMES A. YATES et al,

Defendant.

Case Number: CV07-03160 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 3, 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.

Barry Simon Jameson CDCR # C88511
Pleasant Valley State Prison
Post Office Box 8502
Coalinga, CA 93210-8502

Dated: March 3, 2010

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