

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

3
4 DEXTON THETFORD,
5 Petitioner,

6 v.

7 RON DAVIS, Warden,
8 Respondent.

Case No. 17-cv-00092-HSG (PR)

**ORDER DENYING REQUEST FOR
CERTIFICATE OF APPEALABILITY;
DENYING REQUEST FOR
APPOINTMENT OF COUNSEL**

Re: Dkt. No. 10

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10 Petitioner, a state prisoner proceeding *pro se*, filed a petition for a writ of habeas corpus
11 pursuant to 28 U.S.C. § 2254, challenging the California Board of Prison Terms' denial of parole.
12 On March 31, 2017, the Court dismissed the petition pursuant to *Swarthout v. Cooke*, 131 S. Ct.
13 859, 862 (2011) and entered judgment in favor of Respondent. On April 10, 2017, Petitioner filed
14 a notice of appeal. Petitioner also filed a request for a certificate of appealability and a request for
15 appointment of counsel.


16 Petitioner's request for a certificate of appealability is DENIED for the reasons stated at
17 pages 2-3 of the Order of Dismissal. (Docket No. 7.) The Clerk shall forward this order to the
18 United States Court of Appeals for the Ninth Circuit, from which Petitioner may also seek a
19 certificate of appealability. *See United States v. Asrar*, 116 F.3d 1268, 1270 n.2 (9th Cir. 1997).

20 Plaintiff's request for appointment of counsel on appeal is DENIED without prejudice to
21 filing it directly in the Ninth Circuit.

22 This order terminates Docket No. 10.

23 **IT IS SO ORDERED.**

24 Dated: 4/18/2017

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26 
27 HAYWOOD S. GILLIAM, JR.
28 United States District Judge