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4 UNITED STATES DISTRICT COURT  
5 NORTHERN DISTRICT OF CALIFORNIA  
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7 MIGUEL CARDONA INOSTROZ,

8 Petitioner,

9 v.

10 LAURA ELDRIDGE,<sup>1</sup>

11 Respondent.

Case No. [17-cv-05577-HSG](#)

**ORDER DENYING CERTIFICATE OF  
APPEALABILITY; DENYING LEAVE  
TO PROCEED IN FORMA PAUPERIS  
ON APPEAL**

Re: Dkt. Nos. 18, 20, 22

United States District Court  
Northern District of California

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13 Petitioner, a *pro se* prisoner, filed this action for a writ of habeas corpus pursuant to 28  
14 U.S.C. § 2254. On January 21, 2020, the Court denied the habeas petition, denied a certificate of  
15 appealability and entered judgment in favor of respondent. Dkt. Nos. 11, 12. Now pending before  
16 the Court are petitioner's requests for a certificate of appealability (Dkt. Nos. 20, 22) and  
17 petitioner's request for leave to proceed *in forma pauperis* on appeal (Dkt. No. 18). A certificate  
18 of appealability is DENIED for the same reasons set forth in the Court's January 21, 2020 order  
19 denying the habeas petition. Petitioner has not made a substantial showing that a reasonable jurist  
20 would find the denial of his petition debatable or wrong. *Slack v. McDaniel*, 529 U.S. 473, 484  
21 (2000). Because the Court has denied a certificate of appealability, the Court will also deny leave  
22 to proceed *in forma pauperis* on appeal. Dkt. No. 18. The Clerk shall process the appeal and  
23 forward a copy of this order to the United States Court of Appeals.

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28 <sup>1</sup> Laura Eldridge, the current warden of the prison where petitioner is incarcerated, has been substituted as respondent pursuant to Rule 25(d) of the Federal Rules of Civil Procedure.

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This order terminates Dkt. Nos. 18, 20, 22.

**IT IS SO ORDERED.**

Dated: 4/29/2020

  
HAYWOOD S. GILLIAM, JR.  
United States District Judge

United States District Court  
Northern District of California