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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ANTHONY M. RAMIREZ,

Petitioner,

v.

JAMES A. YATES, Warden,

Respondent.

Case No. C-03-1817 RMW

**ORDER DENYING CERTIFICATE OF
APPEALABILITY; DENYING IN
FORMA PAUPERIS STATUS;
DENYING MOTION FOR
RECONSIDERATION**

[Re Docket Nos. 160, 162, and 163]

Anthony M. Ramirez (“Ramirez”) filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254. The court denied the petition, declined to issue a certification of appealability, and entered judgment in favor of Respondent. *See* Dkt. No. 158 (Order) and Dkt. No. 159 (Judgment). Ramirez then filed “Objections to Judgment and Order Dismissing Habeas Petition with Prejudice,” Dkt. No. 160 (“Objections”), a Motion for leave to proceed in forma pauperis, Dkt. No. 162, and a Motion for Certificate of Appealability, Dkt. No. 163.

Despite Ramirez’s statement in his “Objections”, the court did not invite the filing of any “objections” to the judgment. Dkt. No. 160 at 1. The court treats this filing as a motion for relief

1 from judgment under Federal Rule of Civil Procedure 60. The motion is DENIED as it presents no
2 grounds for relief from judgment under Rule 60(b).

3 The motion for a certificate of appealability, Dkt. No. 163, is denied, as the court explained
4 in the Order Denying Petition for Writ of Habeas Corpus and Denying Certificate of Appealability,
5 Dkt. No. 158, petitioner has not shown “that jurists of reason would find it debatable whether the
6 petition states a valid claim of the denial of a constitutional right [or] that jurists of reason would
7 find it debatable whether the district court was correct in its procedural ruling.” *Slack v. McDaniel*,
8 529 U.S. 473, 484 (2000). Accordingly, a certificate of appealability is DENIED.
9

10 Because the appeal is not taken in good faith, *see* 28 U.S.C. § 1915(a)(3), the motion to
11 proceed *in forma pauperis* is DENIED. Petitioner may renew the motion in the Court of Appeal.
12 *See* Fed. R. App. P. 24(a).

13 **SO ORDERED.**

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15 DATED: November 19, 2014

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18 RONALD M. WHYTE
19 United States District Judge
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