

E-FILED - 1/15/09

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

MARLAN K. SIMPSON,

Petitioner,

vs.

MIKE KNOWLES, Warden,

Respondent.

No. C 03-2548 RMW (PR)

ORDER DENYING REQUEST
FOR CERTIFICATE OF
APPEALABILITY

(Docket No. 34)

Petitioner, a state prisoner proceeding pro se, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On September 30, 2008, the petition was denied on its merits. Petitioner has filed a notice of appeal and a request for a certificate of appealability. See 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b). “Where a district court has rejected the constitutional claims on the merits, the showing required to satisfy § 2253(c) is straightforward: the petitioner must demonstrate that reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong.” Slack v. McDaniel, 120 S.Ct. 1595, 1604 (2000). The court denied the instant petition after careful consideration of the merits. The court found no violation of petitioner’s federal constitutional rights in the underlying state court proceedings. Petitioner has failed to demonstrate that jurists of reason would find it debatable whether this court was

1 correct in its ruling. Accordingly, the court will DENY petitioner's request for a
2 certificate of appealability.

3 The Clerk shall serve notice of this order forthwith to the United States Court of
4 Appeal and to the parties. See Fed. R.App.P. 24(a).

5 IT IS SO ORDERED.

6 DATED: 1/13/09


RONALD M. WHYTE
United States District Judge