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2 **E-Filed 3/16/09**
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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN JOSE DIVISION**
11

12 MICHAEL J. YANCEY,

13 Petitioner,

14 v.

15 JEANNE S. WOODFORD, et al.,

16 Respondents.
17

Case Number C 05-1028 JF

ORDER DENYING CERTIFICATE
OF APPEALABILITY

18 On April 21, 2008, Petitioner filed a notice of appeal from this Court's judgment.
19 Petitioner did not file a motion for a certificate of appealability. The record was transmitted to
20 the Court of Appeals. On September 29, 2008, the Court of Appeals remanded the case to this
21 Court for the limited purpose of granting or denying a certificate of appealability.

22 "Where a district court has rejected the constitutional claims on the merits, the showing
23 required to satisfy § 2253(c) is straightforward: The petitioner must demonstrate that reasonable
24 jurists would find the district court's assessment of the constitutional claims debatable or
25 wrong." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). The Court denied the instant habeas
26 petition after careful consideration of the merits. The Court found no violation of
27 Petitioner's federal constitutional rights in the underlying state court proceedings.
28 Petitioner has failed to demonstrate that jurists of reason would find it debatable whether

1 this Court was correct in its ruling. Accordingly, a certificate of appealability is DENIED
2 in this case.

3 The clerk shall forward to the Ninth Circuit Court of Appeals the case file with this
4 order. *See* Fed. R. App. P. 22(b).

5 IT IS SO ORDERED.

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12 DATED: 3/16/09

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15 JEREMY FOGEL
United States District Judge

1 Copies of Order served on:

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3 Dennis Patrick Riordan dennis@Riordan-Horgan.com

4 Donald Meredith Horgan don@riordan-horgan.com

5 Dorian Jung dorian.jung@doj.ca.gov, delia.desuyo@doj.ca.gov, DocketingSFAWT@doj.ca.gov,
6 ECFCoordinator@doj.ca.gov, maricris.argarin@doj.ca.gov, sandee.agustin@doj.ca.gov

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