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NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOHN PLACENCIA,)	No. C 06-2516 JF (PR)
)	
Petitioner,)	ORDER DENYING CERTIFICATE OF
)	APPEALABILITY
vs.)	
)	
BEN CURRY, Warden,)	
)	
Respondent.)	
_____)	

Petitioner, a state prisoner proceeding *pro se*, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging the California Board of Prison Terms’ decision denying parole. On February 19, 2008, the Court denied the instant petition on the merits and entered judgment in favor of Respondent. Petitioner filed a notice of appeal and the matter was forwarded to the United States Court of Appeals for the Ninth Circuit.

On May 18, 2010, the Ninth Circuit remanded this case for the limited purpose of granting or denying a certificate of appealability. *See Hayward v. Marshall*, No. 06-55392, 2010 WL 1664977, at *5 (9th Cir. Apr. 22, 2010) (en banc) (overruling those portions of *White v. Lambert*, 370 F.3d 1002, 1004 (9th Cir. 2004), and *Rosas v. Nielsen*, 428 F.3d 1229, 1231-32 (9th Cir. 2005) (per curiam), that relieved a prisoner from

1 obtaining a certificate of appealability to review the denial of a habeas petition
2 challenging an administrative decision denying parole).

3 “Where a district court has rejected the constitutional claims on the merits, the
4 showing required to satisfy § 2253(c) is straightforward: the petitioner must demonstrate
5 that reasonable jurists would find the district court’s assessment of the constitutional
6 claims debatable or wrong.” Slack v. McDaniel, 529 U.S. 473, 484 (2000). The Court
7 denied the instant habeas petition after careful consideration of the merits. The Court
8 found no violation of Petitioner’s federal constitutional rights in the administrative
9 decision denying parole. Petitioner has failed to demonstrate that jurists of reason would
10 find it debatable whether this Court was correct in its ruling. Accordingly, a certificate of
11 appealability is DENIED.

12 The clerk shall close the case and forward this order to the Ninth Circuit from
13 which Petitioner may also seek a certificate of appealability. See United States v. Asrar,
14 116 F.3d 1268, 1270 (9th Cir. 1997).

15 IT IS SO ORDERED.

16 DATED: 5/28/10

17 
18 _____
19 JEREMY FOGEL
20 United States District Judge
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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

JOHN PLACENCIA,

Petitioner,

v.

BEN CURRY, Warden,

Respondent.

Case Number: CV06-02516 JF

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 6/9/10, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

John Placencia H-70449
Correctional Training Facility
P.O. Box 689
GW-230U
Soledad, CA 93960-0689

Dated: 6/9/10

Richard W. Wieking, Clerk