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\*\*E-Filed 11/17/2009\*\*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

JAMISI CALLOWAY,

Petitioner

v.

DERRAL ADAMS,

Respondent

Case Number C 06-2531 JF

ORDER DENYING REQUEST FOR  
CERTIFICATE OF APPEALABILITY

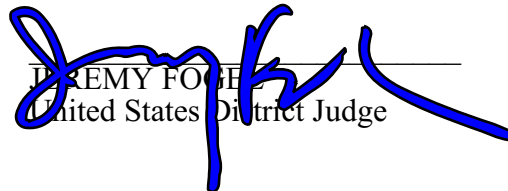
On October 28, 2009, the Court denied this petition for writ of habeas corpus on the merits and entered judgment in favor of Respondent. On November 6, 2009, Petitioner filed a notice of appeal which the Court will construe as a motion for a certificate of appealability, (Docket No. 33).

A petitioner may not appeal a final order in a federal habeas corpus proceeding without first obtaining a certificate of appealability (formerly known as a certificate of probable cause to appeal). See 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b). A judge shall grant a certificate of appealability “only if the applicant has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). The certificate must indicate which issues satisfy this standard. See id. § 2253(c)(3).

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

10 This order terminates Docket No. 33.

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12 DATED: 11/13/2009

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15 JEREMY FOGEL  
16 United States District Judge