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NOT FOR CITATION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

JACK WAYNE BLACKWELL,)	No. C 07-02170 JF (PR)
)	
Petitioner,)	ORDER DENYING MOTIONS
)	FOR CERTIFICATE OF
vs.)	APPEALABILITY AND
)	LEAVE TO APPEAL IN
SHIRLEY HARRY, Warden, et al.,)	FORMA PAUPERIS
)	
Respondent.)	(Docket Nos. 16, 18)

Petitioner, a California prisoner, filed a pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging his state conviction. Petitioner has filed a request for a certificate of appealability, pursuant to 28 U.S.C. § 2253(c) and Federal Rule of Appellate Procedure 22(b). Petitioner has not shown "that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling." Slack v. McDaniel, 120 S.Ct. 1595, 1604 (2000). Accordingly, the request for a certificate of appealability is DENIED. In light of this conclusion, leave to appeal in forma pauperis is also DENIED.

The Clerk shall forward this order, along with the case file, to the United States Court of Appeals for the Ninth Circuit, from which Petitioner may also seek a certificate

1 of appealability. See United States v. Asrar, 116 F.3d 1268, 1270 (9th Cir. 1997).

2 This order terminates docket numbers 16 & 18.

3 IT IS SO ORDERED.

4 DATED: 11/14/08



JEREMY FOGEL
United States District Judge

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