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NOT FOR CITATION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

JOE RANDEL JOHNSON,

Petitioner,

vs.

ANTHONY KANE, Warden,

Respondent.

No. C 07-04417 JF (PR)

ORDER DENYING CERTIFICATE OF
APPEALABILITY AND REQUEST
FOR REHEARING

(Docket No. 25)

On April 6, 2010, the Court denied this pro se petition for writ of habeas corpus on the merits and entered judgment in favor of Respondent. On June 2, 2010, Petitioner filed a filed a notice of appeal, which is construed as including a request for a certificate of appealability.

A petitioner may not appeal a final order in a federal habeas corpus proceeding, including those challenging an administrative decision such as the denial of parole, 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

1 certificate must indicate which issues satisfy this standard. See id. § 2253(c)(3).

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

11 Petitioner’s request for a “rehearing” by a “full panel” of judges in this Court is
12 DENIED because such a rehearing is not available in the district court.

13 The Clerk shall forward this order, along with the case file, to the United States
14 Court of Appeals for the Ninth Circuit, from which Petitioner may also seek a
15 certificate of appealability. See United States v. Asrar, 116 F.3d 1268, 1270 (9th Cir.
16 1997).

17 IT IS SO ORDERED.

18 DATED: 7/7/10

19 
20 JEREMY FOGEL
21 United States District Judge
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3 UNITED STATES DISTRICT COURT
4 FOR THE
5 NORTHERN DISTRICT OF CALIFORNIA

6 JOE RANDEL JOHNSON,
7
8 Plaintiff,

Case Number: CV07-04417 JF

CERTIFICATE OF SERVICE

9 v.

10 ANTHONY KANE et al,
11
12 Defendant.

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

15 That on 7/30/10, I SERVED a true and correct copy(ies) of the attached, by
16 placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed,
17 by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office
18 delivery receptacle located in the Clerk's office.

19 Joe Randel Johnson V-46926
20 California State Prison - CTF
21 P.O. Box 705
22 Soledad, CA 93960

23 Dated: 7/30/10

24 Richard W. Wieking, Clerk
25 By: