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NOT FOR CITATION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

PATRICK L. RICHARDSON,)	No. C 09-03344 JF (PR)
)	
Petitioner,)	ORDER DENYING REQUEST FOR
)	CERTIFICATE OF APPEALABILITY
vs.)	
)	
JAMES WALKER,)	
)	
Respondent.)	
_____)	

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. On December 9, 2009, the Court dismissed the petition as a second or successive petition. (See Docket No 10.) Petitioner has filed a notice of appeal which the Court construes as a request for a certificate of appealability, (Docket No. 12).

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, 529 U.S. 473, 484 (2000). Accordingly, the request for a certificate of appealability is DENIED.

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

IT IS SO ORDERED.

DATED: 4/29/10



JEREMY FOGEL
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

PATRICK L. RICHARDSON,
Petitioner,

Case Number: CV09-03344 JF

CERTIFICATE OF SERVICE

v.

JAMES WALKER, Warden,
Respondent.

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 4/30/10, 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.

Patrick L. Richardson H-59962
California State Prison-Folsom (New)
P.O. Box 290066
FB-5-215
Represa, CA 95671

Dated: 4/30/10

Richard W. Wieking, Clerk