

**FILED**

**JAN 19 2016**

SUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

HUGO BARRIGA ROSALES,

Petitioner,

v.

CONNIE GIPSON, Warden,

Respondent.

No. C 13-03860 BLF (PR)

**ORDER DENYING CERTIFICATE  
OF APPEALABILITY**

Petitioner, a state prisoner proceeding *pro se*, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The Court denied the petition on the merits, (Docket No. 21), and subsequently denied Petitioner’s motion for reconsideration, (Docket No. 28).

Petitioner filed a notice of appeal to the Ninth Circuit, which has remanded the matter for the limited purpose of granting or denying a Certificate of Appealability (“COA”) on the district court’s denial of Petitioner’s Rule 60(b) motion. The COA is DENIED because Petitioner has not shown “that reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong” or 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).

1 The Clerk shall forward this order to the United States Court of Appeals for the  
2 Ninth District, from which Petitioner may also seek a COA. *See United States v. Asrar*,  
3 116 F.3d 1268, 1270 (9th Cir. 1997).

4 **IT IS SO ORDERED.**

5 DATED: Jan 19, 2016

  
6 BETH LABSON FREEMAN  
7 United States District Judge

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