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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

TAJU AHMED,

Petitioner,

vs.

ERNEST C. ROE, Warden,

Respondent.

CASE NO. 99cv169-IEG(CGA)

Order Denying Application for
Certificate of Appealability

Petitioner Taju Ahmed, a state prisoner proceeding pro se, has filed an application seeking a certificate of appealability pursuant to 28 U.S.C. § 2253. Petitioner's motion is DENIED.

This petition was dismissed, without prejudice, on November 19, 1999, because it contained unexhausted claims. Petitioner exhausted his claims and on January 13, 2000, he filed a second habeas corpus petition containing only exhausted claims. [Case No. 00cv84-TW(AJB).] The Court, however, dismissed this second petition as procedurally barred on October 14, 2004.¹ Petitioner appealed the dismissal, but the Ninth Circuit Court of Appeals affirmed on May 12, 2006. The Ninth Circuit Court of Appeals thereafter denied Petitioner leave to file a second or successive petition pursuant to 28 U.S.C. § 2244(b)(2). [Case No. 00cv84-TW(AJB), Doc. No. 68.]


¹The Court initially dismissed the petition as procedurally barred on September 25, 2000, but the Ninth Circuit Court of Appeals vacated and remanded in light of Bennett v. Mueller, 322 F.3d 573 (9th Cir. 2003).

1 On July 25, 2008, Petitioner filed a third habeas corpus petition in this Court. [Case No.
2 08cv1352-BTM(NLS).] The Court dismissed this third petition without prejudice to Petitioner
3 obtaining leave from the Ninth Circuit Court of Appeals to file a second or successive petition
4 pursuant to 28 U.S.C. § 2244. The Ninth Circuit denied Petitioner such leave on November 6,
5 2008.

6 In light of this procedural history, the Court finds Petitioner has failed to make a
7 “substantial showing of the denial of a constitutional right” as required by 28 U.S.C. § 2253, and
8 DENIES Petitioner’s application for a certificate of appealability.

9 **IT IS SO ORDERED.**

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11 **DATED: February 2, 2009**

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13 **IRMA E. GONZALEZ, Chief Judge**
14 **United States District Court**

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