




1 Here, Hunter cannot meet this standard for two reasons. First, as the Court had previously  
2 found, he delayed the filing of his Petition for 490 days, during which no statutory tolling was  
3 available. Dkt. No. 26 at 5. Second, he failed to present any fact to justify equitable tolling. *Id.* at  
4 5-9. As a result, his claims are not debatable among jurists of reason and do not deserve further  
5 encouragement. Accordingly, the Court denies his application for a certificate of appealability.

6 IT IS SO ORDERED.

7 Dated: April 6, 2009

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9 Hon. Roger T. Benitez  
10 United States District Judge  
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