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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

RAFAEL JASSO,  
Petitioner,  
v.  
ROBERT T. HERNANDEZ, Warden,  
Respondent.

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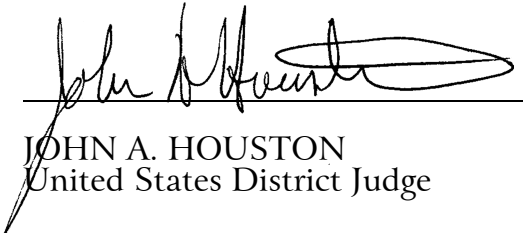
Civil No. 08-0548-JAH(WVG)  
**ORDER DENYING CERTIFICATE  
OF APPEALABILITY**

Pursuant to Rule 11 of the Rules following 28 U.S.C. § 2254, which was amended effective December 1, 2009, a district court “must issue or deny a certificate of appealability when it enters a final order adverse to the applicant.” A state prisoner may not appeal the denial of a section 2254 habeas petition unless he obtains a certificate of appealability from a district or circuit judge. 28 U.S.C. § 2253(c)(1)(A); *see also United States v. Asrar*, 116 F.3d 1268, 1269-70 (9th Cir. 1997) (holding that district courts retain authority to issue certificates of appealability under AEDPA). A certificate of appealability is authorized “if the applicant has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). To meet this threshold showing, petitioner must show that: (1) the issues are debatable among jurists of reason, (2) that a court could resolve the issues in a different manner, or (3) that the questions are

1 adequate to deserve encouragement to proceed further. Lambright v. Stewart, 220 F.3d  
2 1022, 1024-25 (9th Cir. 2000) (citing Slack v. McDaniel, 529 U.S. 473 (2000); Barefoot  
3 v. Estelle, 463 U.S. 880 (1983)).

4 On April 4, 2011, this Court denied petitioner's petition for habeas corpus.  
5 Therefore, this Court must decide whether to grant petitioner a certificate of appealability  
6 because denial of the petition constitutes a "final order adverse to the applicant." Based  
7 on this Court's review of the pleadings, this Court finds that no issues are debatable among  
8 jurists of reason. This Court further finds that no issues could be resolved in a different  
9 manner. Lastly, this Court finds that no questions are adequate to deserve encouragement  
10 to proceed further. Accordingly, this Court **DENIES** petitioner a certificate of  
11 appealability.

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13 Dated: April 6, 2011

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15 JOHN A. HOUSTON  
16 United States District Judge  
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