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

MUHAREM KURBEGOVICH,

Plaintiff,

vs.

FBI (FEDERAL BUREAU OF
INVESTIGATION),

Defendant.

CASE NO. 08cv2132 IEG (JMA)

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. (Doc. No. 1.) On November 21, 2008, the Court denied the Petition, giving petitioner leave to amend his petition on or before January 26, 2009. Petitioner did not file an amended petition, and filed a notice of appeal on February 3, 2009.

Pursuant to 28 U.S.C. § 2253, Petitioner must obtain a certificate of appealability in order to pursue his appeal. The Court should issue a certificate of appealability where Petitioner has made a “substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253; Pham v. Terhune, 400 F.3d 740, 742 (9th Cir. 2005). To make a “substantial showing,” the petitioner must “demonstrat[e] that ‘reasonable jurists would find the district court’s assessment of the constitutional claims debatable[.]’” Beaty v. Stewart, 303 F.3d 975, 984 (9th Cir. 2002) (quoting Slack v. McDaniel, 529 U.S. 473, 484 (2000)).

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Upon review of the petition, the Court finds Petitioner has not made a “substantial showing” and **DENIES** a certificate of appealability with respect to all of Petitioner’s claims. See id. at 983-84.

IT IS SO ORDERED.

DATED: February 17, 2009


IRMA E. GONZALEZ, Chief Judge
United States District Court