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

EDWARD V. SHELL,

Petitioner,

vs.

MATTHEW C. KRAMER, Warden,

Respondent.

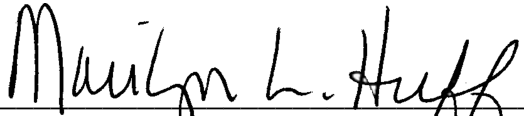
CASE NO. 08-CV-2159 H (POR)

**ORDER DENYING MOTION
FOR A CERTIFICATE OF
APPEALABILITY**

On September 3, 2009 the Court dismissed without prejudice Petitioner's motion for habeas relief as a successive habeas motion pursuant to 28 U.S.C. § 2244(b)(3)(A). (Doc. No. 16.) Petitioner was given leave to obtain permission from the Ninth Circuit Court of Appeals to file a successive petition. (*Id.*) On September 10, 2009, the Court received Petitioner's motion for a certificate of appealability. (Doc. No. 17.) A certificate of appealability requires "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). The Court concludes that Petitioner does not meet this standard and DENIES the request for a certificate of appealability.

IT IS SO ORDERED.

DATED: September 14, 2009


MARILYN L. HUFF, District Judge
UNITED STATES DISTRICT COURT