




1 here, the district court dismisses the (claims) based on procedural grounds.” Lambright, 220 F.3d  
2 at 1026 (quoting Slack v. McDaniel, 529 U.S. 473, 484 (2000)). In that situation, this Court “must  
3 decide whether ‘jurists of reason would find it debatable whether the petition states a valid claim of  
4 the denial of a constitutional right’” and “whether ‘jurists of reason would find it debatable  
5 whether the district court was correct in its procedural ruling.’” Id.

6 Here, the Court finds that Petitioner was not denied a constitutional right. Reasonable  
7 jurists would not debate that finding, nor would they debate the correctness of the Court’s ruling  
8 that Petitioner’s parole moots his challenge to his prison disciplinary proceedings. Slack, 529 U.S.  
9 at 484; Lambright, 220 F.3d at 1026.

10 Accordingly, Petitioner is hereby **DENIED** a certificate of appealability.

11 **IT IS SO ORDERED.**

12  
13 Dated: March 7, 2011

14   
15 THE HONORABLE ROGER T. BENITEZ  
16 UNITED STATES DISTRICT JUDGE  
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