

1
2
3
4
5
6
7
8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10
11 ISBIR A. ROGERS-WRIGHT,
12
13 v. Petitioner,
14 GEORGE NEOTTI, Warden,
15 Respondent.

CASE NO. 10-CV-375-JM (JMA)
**ORDER DECLINING TO ISSUE
CERTIFICATE OF
APPEALABILITY**


16 On February 2, 2011, the court issued an order adopting the magistrate judge's Report
17 & Recommendation in the above-entitled case and dismissed with prejudice Petitioner Isbir
18 A. Rogers-Wright's petition for writ of habeas corpus. (Doc. No. 13.) Petitioner now files a
19 notice of appeal. (Doc. No. 15.)

20 Under the Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA"), an
21 appeal from a final order in a habeas corpus proceeding may not be taken "[u]nless a circuit
22 justice or judge issues a certificate of appealability." 28 U.S.C. § 2253(c)(1). However, such
23 a certificate may only issue "if the applicant has made a substantial showing of the denial of
24 a constitutional right." 28 U.S.C. § 2253(c)(2). Because Petitioner has failed to make such a
25 showing, the court hereby DECLINES to issue a Certificate of Appealability as to all
26 cognizable federal claims presented in the petition for writ of habeas corpus. See Lambright
27 v. Stewart, 220 F.3d 1022, 1024-25 (9th Cir. 2000) (providing that threshold "substantial
28 showing of the denial of a constitutional right" is met by demonstrating that: (1) the issues are
debatable among jurists of reason; or (2) that a court could resolve the issues in a different

1 manner; or (3) that the questions are adequate to deserve encouragement to proceed further).

2 **IT IS SO ORDERED.**

3 DATED: March 14, 2011

4 
5 Hon. Jeffrey T. Miller
6 United States District Judge
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28