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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

SADIQ SAIBU,

Petitioner,

v.

BRENDA M. CASH, Warden

Respondent.

Civil No. 10-0844-CAB

**ORDER DENYING CERTIFICATE OF
APPEALABILITY**

On August 5, 2011, this Court entered judgment denying the petition for a writ of habeas corpus filed in this case.

Rule 11 of the Federal Rules Governing Section 2254 Cases states, “[t]he district court must issue or deny a certificate of appealability when it enters a final order adverse to the applicant.” A certificate of appealability should be issued only where the petition presents “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 adequate to deserve encouragement to proceed further. Lambright v. Stewart, 220 F.3d 1022, 1024-25 (9th Cir. 2000) (citing Slack v. McDaniel, 529 U.S. 473 (2000); Barefoot v. Estelle, 463 U.S. 880 (1983)).

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1 In this case, the Court finds that the issues are not debatable among jurists of reason, nor
2 could the issues be resolved in a different manner. Further, the Court finds that the questions
3 are not adequate to deserve encouragement to proceed further. Accordingly, the Court **DENIES**
4 a certificate of appealability.

5 **IT IS SO ORDERED.**

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7 DATED: August 10, 2011

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10 **CATHY ANN BENCIVENGO**
11 United States Magistrate Judge
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