



United States District Court
SOUTHERN DISTRICT OF CALIFORNIA

Matthew Terrell

Civil Action No. 17cv00088-BTM-AGS

Plaintiff,

V.

C. Armant, Warden; Attorney General of
the State of California

JUDGMENT IN A CIVIL CASE

Defendant.

Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS HEREBY ORDERED AND ADJUDGED:

For the foregoing reasons, the Court DENIES the petition. Rule 11 of the Rules Following 28 U.S.C. § 2254 requires the District Court to “issue or deny a certificate of appealability when it enters a final order adverse to the applicant.” Rule 11, 28 U.S.C. foll. § 2254 (West Supp. 2013). A certificate of appealability will issue when the petitioner makes 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). A “substantial showing” requires a demonstration that “reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong.” *Beatty v. Stewart*, 303 F.3d 975, 984 (9th Cir. 2002), quoting *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). Here, the Court concludes Terrell has not made the required showing, and therefore a certificate of appealability is hereby DENIED.

Date: 10/29/18

CLERK OF COURT

JOHN MORRILL, Clerk of Court

By: s/ S. Mitchell

S. Mitchell, Deputy