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UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

ASUNCION SANCHEZ,)
Petitioner)
)
v.)
) C.A. 13-CV-30064-MAI
GARY RODEN,)
Respondent)

MEMORANDUM AND ORDER REGARDING CERTIFICATE OF APPEALABILITY

May 13, 2014

PONSOR, U.S.D.J.

On March 15, 2013, Petitioner filed a Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. On June 3, 2013, Respondent filed a motion to dismiss, contending that the petition was not filed timely. After receipt of opposition, the court on March 11, 2014 granted the motion to dismiss, stating that the petition was "clearly untimely. No facts suggest any extraordinary circumstances justifying any equitable tolling of the statute of limitations." Dkt. No. 27.

Petitioner filed his Notice of Appeal on March 28, 2014, and on May 9, 2014 the Court of Appeals issued an order requesting that this court issue or deny a Certificate of Appealability within two weeks.

Having now reviewed the file, this court hereby

declines to issue any Certificate of Appealability.

Petitioner has failed to offer any substantial argument to justify the late filing of the petition. This issue is not debatable among jurists of reason in the sense that some other court might resolve this issue in a manner different than this court did in its ruling on March 11, 2014.

Petitioner has not raised any question which deserves encouragement to proceed on further appeal.

Petitioner has filed a Notice of Appeal and may be permitted to obtain review of this ruling by the Court of Appeals for the First Circuit.

It is So Ordered.

/s/ Michael A. Ponsor MICHAEL A. PONSOR U. S. District Judge