

1 tampering in this and other State and Federal investigations, as Well as International Hate Crimes and
2 Murder” (*id.* at 4). Petitioner also states that he and numerous members of his carpenters’ union are
3 aware of these crimes, are under subpoena by the U.N. at the Hague, and are being prevented from being
4 interviewed by Interpol. The allegations that he sets forth are delusional and factually frivolous.
5 Accordingly, this petition must be dismissed for failure to state a claim for which relief may be granted.

6 In order to proceed with an appeal, petitioner must receive a certificate of appealability.
7 28 U.S.C. § 2253(c)(1); Fed. R.App. P. 22; 9th Cir. R. 22-1; *Allen v. Ornoski*, 435 F.3d 946, 950-951
8 (9th Cir.2006); *see also United States v. Mikels*, 236 F.3d 550, 551-52 (9th Cir.2001). Generally, a
9 petitioner must make “a substantial showing of the denial of a constitutional right” to warrant a
10 certificate of appealability. *Id.*; 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 483-84
11 (2000). “The petitioner must demonstrate that reasonable jurists would find the district court’s
12 assessment of the constitutional claims debatable or wrong.” *Id.* (quoting *Slack*, 529 U.S. at 484). In
13 order to meet this threshold inquiry, the petitioner has the burden of demonstrating that the issues are
14 debatable among jurists of reason; that a court could resolve the issues differently; or that the questions
15 are adequate to deserve encouragement to proceed further. *Id.*

16 Pursuant to the December 1, 2009 amendment to Rule 11 of the Rules Governing Section
17 2254 and 2255 Cases, district courts are required to rule on the certificate of appealability in the order
18 disposing of a proceeding adversely to the petitioner or movant, rather than waiting for a notice of appeal
19 and request for certificate of appealability to be filed. Rule 11(a). This court denies petitioner a
20 certificate of appealability.

21 **IT IS THEREFORE ORDERED** that the clerk **SHALL DETACH** and **FILE** the
22 petition for a writ of habeas corpus (ECF #1-1).

23 **IT IS FURTHER ORDERED** that this petition for writ of habeas corpus is
24 **DISMISSED with prejudice** for failure to state a claim for which relief may be granted. No certificate
25 of appealability shall issue.

26

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

IT IS FURTHER ORDERED that the clerk shall **ENTER JUDGMENT** and to close this case.

DATED May 31, 2013.


UNITED STATES DISTRICT JUDGE