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HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

TEDDY MORRIS,

 Petitioner,

 v.

ROB McKINNA, et. al.,

 Respondents.

Case No. C09-5345RBL

ORDER

THIS MATTER comes on before the above-entitled Court upon Petitioner’s Notice of Appeal [Dkt. #22] and Motion for Appointment of Appellate Counsel [Dkt. #23]. Having considered the entirety of the records and file herein, the Court finds and rules as follows:

The filing of a Notice of Appeal in a 28 U.S.C. § 2254 proceeding requires this Court to determine whether a certificate of appealability shall issue. 28 U.S.C. § 2253(c)(1). For the reasons stated in the Report and Recommendation [Dkt. #18], this Court declines to issue a certificate of appealability because the Petitioner has failed to make “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). The Clerk shall forward Petitioner’s Motion for Appointment of Appellate Counsel [Dkt. #23] to the United States Court of Appeals for the Ninth Circuit.

IT IS SO ORDERED.

1 The Clerk shall send uncertified copies of this order to all counsel of record, and to any party
2 appearing pro se.

3 Dated this 5th day of January, 2010.

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5 RONALD B. LEIGHTON
6 UNITED STATES DISTRICT JUDGE

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