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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DANIEL K. CHESTANG,

Petitioner,

No. CIV S- 07-1173 LKK GGH P

vs.

D.K. SISTO, Warden,

Respondent.

ORDER

_____/

Judgment in this case was entered on September 30, 2009, pursuant to an order dismissing petitioner’s application brought pursuant to 28 U.S.C. §2254. Petitioner, through his retained counsel, filed a timely notice of appeal, on October 29, 2009, and a certificate of appealability issued on December 22, 2009. Although the appeal to the Ninth Circuit has been processed, petitioner has subsequently filed a motion for reconsideration, as well as amended objections to the underlying findings and recommendations, adopted by the district judge in the September 30, 2009, Order. The court will order that the motion for reconsideration and amended objections be disregarded for several reasons. In the first place, this court has lost jurisdiction of this matter as an appeal is pending; second, petitioner has submitted the filings at issue pro se, when he has been proceeding in this matter through counsel and should not communicate with the court except through his retained counsel; third, neither by his motion or

1 his amended objections does the petitioner raise any substantive ground for revisiting the
2 judgment, even if the court retained jurisdiction; finally, his putative amended objections are
3 untimely.

4 Accordingly, IT IS ORDERED that petitioner's motion for reconsideration and
5 amended objections to the findings and recommendation, both filed on December 29, 2009, at
6 docket # 87 and # 88, respectively, are disregarded as inapposite.

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8 DATED: January 14, 2010

/s/ Gregory G. Hollows

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10 _____
11 GREGORY G. HOLLOWS
12 UNITED STATES MAGISTRATE JUDGE

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