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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

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Michael Jackson,

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CV 11-00448-PHX-FJM

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Petitioner,

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**ORDER**

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vs.

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Randy Tracy; Gila River Indian  
Community Court,

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Respondents.

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The court has before it petitioner's motion to amend judgment (doc. 33). Respondents did not respond, and the time for responding has expired.

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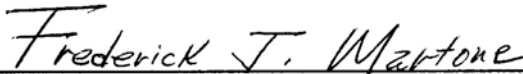
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On August 28, 2012, we entered an order denying petitioner's petition for writ of habeas corpus (doc. 31). Petitioner challenged his conviction in tribal court pursuant to 25 U.S.C. § 1303. Included in that order was language denying petitioner a certificate of appealability. The clerk's judgment incorporated the order by reference. Petitioner asks us, pursuant to Rule 59, Fed. R. Civ. P., to amend the order and judgment to delete the reference to the certificate of appealability, as a certificate is not required in cases not arising under § 2255 and not involving a state court detention. Petitioner is correct that the certificate of appealability language is superfluous. See 28 U.S.C. § 2253(c); Harrison v. Ollison, 519 F.3d 952, 958 (9th Cir. 2008).

Accordingly, **IT IS ORDERED GRANTING** petitioner's motion to amend judgment

1 (doc. 33). The clerk shall file the amended order denying the petition for writ of habeas  
2 corpus and amend the judgment accordingly.

3 DATED this 18<sup>th</sup> day of September, 2012.

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7 Frederick J. Martone  
8 United States District Judge  
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