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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

John Calvin Neuendorf, II,
Petitioner,
vs.
Charles L. Ryan, et al.,
Respondents.

No. CV 12-755-PHX-RCB (DKD)

ORDER

Petitioner John Calvin Neuendorf, II, who is confined in the Arizona State Prison Complex-Eyman, filed *pro se* Petition Under 28 U.S.C. § 2254 for a Writ of Habeas Corpus by a Person in State Custody and an Application to Proceed *In Forma Pauperis*. On April 26, 2012, Petitioner filed a Motion for Leave to Amend and on May 4, 2012, Petitioner filed a second Motion for Leave to Amend. In a June 29, 2012 Order, the Court granted the Application to Proceed and granted Petitioner leave to file an amended petition. On July 27, 2012, Petitioner filed an Amended Petition.

On September 10, 2012, the Court dismissed the Amended Petition and this action because Petitioner had not exhausted state court remedies. Judgment was entered on the same date.

Petitioner then filed a September 12, 2013 Amended Petition, a September 26, 2013 Application for Leave to Proceed *In Forma Pauperis*, an October 17, 2013 Motion to Amend, and a December 4, 2013 Motion for Leave to Amend.

1 On December 30, 2013, the Court issued an order noting that this case is closed,
2 striking Petitioner's September 12, 2013 Amended Petition, and denying as moot the
3 remaining motions.

4 On January 1, 2014 and January 14, 2014, Petitioner filed Motions titled "Quo-
5 Statu for: Habeas Corpus to include forma pauperis" in which it appears that Petitioner is
6 requesting new forms for filing documents in the case. This case is closed and the Court
7 will deny the Motions.

8 On January 13, 2014, Plaintiff filed a Notice of Appeal to the Ninth Circuit Court
9 of Appeals. Pursuant to Rule 11(a) of the Rules Governing Section 2254 Cases, the
10 Court declines to issue a certificate of appealability because reasonable jurists would not
11 find the Court's procedural ruling debatable. *See Slack v. McDaniel*, 529 U.S. 473, 484
12 (2000).

13 **IT IS ORDERED:**

14 (1) Petitioner's January 30, 2014 and January 17, 2014 Motions "Quo-Statu"
15 (Docs. 30 and 32) are **denied**.

16 (2) Pursuant to Rule 11(a) of the Rules Governing Section 2254 Cases, the
17 Court declines to issue a certificate of appealability because reasonable jurists would not
18 find the Court's procedural ruling debatable. *See Slack v. McDaniel*, 529 U.S. 473, 484
19 (2000).

20 DATED this 21st day of February, 2014.

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23 Robert C. Broomfield
24 Senior United States District Judge
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