

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  
27  
28

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

TIMOTHY JERRY FERRIS,	)	1:06-CV-0839 LJO JMD HC
	)	
Petitioner,	)	ORDER DENYING PETITIONER’S MOTION
	)	FOR CERTIFICATE OF APPEALABILITY
v.	)	[Doc. 43]
	)	
JEANNE WOODFORD,	)	ORDER DENYING PETITIONER’S MOTION
	)	TO PROCEED IN FORMA PAUPERIS AS
Respondent.	)	MOOT [Docs. 46 and 47]
	)	

---

Petitioner is a State prisoner proceeding *pro se* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

The Magistrate Judge issued Findings an Recommendation on October 15, 2008, recommending that the petition for writ of habeas corpus be DENIED with prejudice. On January 30, 2009, the Court, after conducting a *de novo* review of the petition for writ of habeas corpus pursuant to the provisions of 28 U.S.C. § 636(b)(1)(C), adopted the Magistrate Judge’s Findings and Recommendation in full. (Court Doc. 35). In that order, the Court declined to issue a Certificate of Appealability.

On June 15, 2009, Petitioner filed a notice of appeal of the Court’s January 30, 2009 order. (Doc. 41).

On July 20, 2009, Petitioner filed a motion to reinstate his application for a Certificate of Appealability and to proceed in forma pauperis. (Doc. 43). Petitioner filed another motion the same day to proceed in forma pauperis. (Doc. 44).

1 On July 23, 2009, the Court granted Petitioner's motion to proceed in forma pauperis on  
2 appeal. (Doc. 45).

3 On August 24, 2009, Petitioner filed two additional motions to proceed in forma pauperis.

4 As the Court has already granted Petitioner's prior motion to proceed in forma pauperis, the  
5 Court DENIES the August 24, 2009, motions as moot. Similarly, Petitioner's July 20, 2009, motion  
6 for a Certificate of Appealability does not raise any new arguments that would cause the Court to  
7 reverse its prior order, in January 30, 2009, declining to issue a Certificate of Appealability.

8 Accordingly, IT IS HEREBY ORDERED that:

9 1. Petitioner's motion to proceed in forma pauperis is DENIED as moot.

10 2. Petitioner's motion for a Certificate of Appealability is DENIED.

11 IT IS SO ORDERED.

12 **Dated:** August 26, 2009

/s/ Lawrence J. O'Neill  
UNITED STATES DISTRICT JUDGE

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28