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9 UNITED STATES DISTRICT COURT  
10 EASTERN DISTRICT OF CALIFORNIA

11 ROXANNE ARI, )  
12 Petitioner, ) 1:07-cv-00733-LJO-BAK-GSA HC  
13 ) ORDER DISREGARDING AS MOOT  
14 v. ) PETITIONER'S MOTION FOR DECISION  
15 ) (Doc. 23)  
16 )  
17 DEBORAH L. PATRICK, )  
Respondent. )  
\_\_\_\_\_ )

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

21 On November 28, 2007, judgment was entered and the instant petition was dismissed. (Docs.  
22 9 & 10). Petitioner subsequently appealed the Court's ruling to the United States Court of Appeals  
23 for the Ninth Circuit. (Doc. 14). This Court declined to issue a certificate of appealability and the  
24 record was transmitted to the Ninth Circuit. (Docs. 15 & 17).

25 On February 17, 2009, Petitioner filed the instant motion requesting a decision in the case.  
26 (Doc. 23). Although the motion was captioned for this Court, at the time the motion was filed, the  
27 matter was pending on appeal in the Ninth Circuit and this Court had no jurisdiction to render a  
28 decision in the case and thus no jurisdiction to grant Petitioner's motion for a decision. Accordingly,

1 Petitioner's motion will be disregarded.

2 Moreover, on February 23, 2009, the Ninth Circuit denied Petitioner's request for issuance of  
3 a certificate of appealability and denied all pending motions as moot. (Doc. 24). Accordingly, since  
4 a decision has now been rendered, to the extent that this Court ever had jurisdiction to rule on  
5 Petitioner's motion, the motion is now moot.

6 For the foregoing reasons, the Court HEREBY ORDERS that Petitioner's motion for decision  
7 (Doc. 23), is DISREGARDED as MOOT.

8 IT IS SO ORDERED.

9 **Dated: September 10, 2009**

**/s/ Gary S. Austin**  
UNITED STATES MAGISTRATE JUDGE

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