

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

8 AUGUSTIN GUY DE LA CERDA, ) 1:08-cv-01836-LJO-BAK-SMS HC  
9 Petitioner, ) ORDER DENYING PETITIONER'S NOTICE  
10 v. ) OF MOTION FOR CAUSE (Doc. 9)  
11 ANTHONY HEDGPETH, Warden, )  
12 Respondent. )  
13 \_\_\_\_\_ )

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. On December 5, 2008, the Court issued an Order to Show Cause why the petition should not be dismissed as untimely. (Doc. 5). On December 22, 2008, Petitioner filed a response to the Order to Show Cause in a document that was denominated as a “Notice of Motion for Cause.” (Doc. 9). On May 21, 2009, the Court issued Findings and Recommendations to dismiss the petition as untimely. (Doc. 11). In those Findings and Recommendations, the Court expressly took into consideration the arguments raised by Petitioner in his response to the order to show cause. On June 18, 2008, Findings and Recommendations were adopted and judgment was entered. (Docs. 12 & 13). The case is now closed.

23 For the foregoing reasons, the Court HEREBY ORDERS that Petitioner's "Notice of Motion  
24 for Cause" (Doc. 9), be DENIED as MOOT.

25 IT IS SO ORDERED.

20 Dated: September 10, 2009

/s/ **Sandra M. Snyder**  
UNITED STATES MAGISTRATE JUDGE