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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF CALIFORNIA
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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)
12 ANTHONY HEDGPETH, Warden,)
13 Respondent.)

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

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

27 **Dated: September 10, 2009**

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE