UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

MARTIN ALLEN ASHBAUGH, Petitioner, v. JAMES A. YATES, et al., Respondent.	1:08-CV-01894 JMD HC ORDER DISREGARDING PETITIONER'S MOTIONS FOR APPOINTMENT OF COUNSEL AND FOR CERTIFICATE OF APPEALABILITY [Doc. 18]

Petitioner Martin Allen Ashbaugh ("Petitioner") is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

On April 6, 2010, Petitioner filed a notice of appeal pertaining to the December 15, 2009 order denying his petition for writ of habeas corpus. The notice also contained a request for a certificate of appealability and for the appointment of appellate counsel.

The caption of the motion reveals that the motions are directed towards the United States Court of Appeals for the Ninth Circuit and not the district court. Thus, the Court finds that motions are proper before the Ninth Circuit and not this Court.

Accordingly, IT IS HEREBY ORDERED that Petitioner's request for the appointment of counsel and for a certificate of appealability are DISREGARDED.

IT IS SO ORDERED.

Dated: April 16, 2010 **/s/ John M. Dixon**
UNITED STATES MAGISTRATE JUDGE

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