(HC) Satterfield v.	Hardtly	Doc	29
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8	UNITED STATES DISTRICT COURT		
9	EASTERN DISTRICT OF CALIFORNIA		
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11	LEWIS J. SATTERFIELD,	1:09-cv-00117-LJO-JLT HC	
12	Petitioner,	ORDER DENYING PETITIONER'S MOTION FOR STAY OF PROCEEDINGS	
13	v.)	(Doc. 25)	
14) I IIADDTI V Warden	(D0c. 23)	
15	J. HARDTLY, Warden,		
16	Respondent.)		
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18	PROCEDURAL HISTORY		
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. The instant federal petition for writ of habeas corpus was filed on		
21	January 20, 2009. Petitioner filed a first amended petition on July 13, 2009. (Doc. 7). On		
22	September 25, 2009, the Court ordered Respondent to file a response to the first amended petition.		
23	(Doc. 8). On November 19, 2009, Respondent filed the instant motion to dismiss the amended		
24	petition as untimely. (Doc. 13). On January 22, 2010, Petitioner filed his opposition. (Doc. 18). On		l
25	January 29, 2010, Respondent filed a Reply. (Doc. 19). The Court issued Findings and		
26	Recommendations to grant the motion to dismiss on June 3, 2010. (Doc. 21). The District Judge		
27	adopted the Findings and Recommendations and entered judgment dismissing the petition, closing		
28	the case, and declining to issue a certificate of appealability on July 1, 2010. (Docs. 22 & 23). On		
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July 15, 2010, Petitioner filed the instant motion for stay of proceedings pending appeal. (Doc. 25). 2 On July 27, 2010, Petitioner filed his notice of appeal. (Doc. 26). The appeal is presently pending in 3 the Ninth Circuit. 4 **DISCUSSION** 5 In his motion for stay, it is unclear precisely what Petitioner is requesting. Petitioner argues 6 that this Court retains jurisdiction to order injunctive relief, that he has made a strong showing that 7 he would prevail on the merits of his challenge to denial of parole, and that a certificate of 8 appealability should therefore be issued by this Court. (Doc. 25). 9 As far as proceedings in this Court are concerned, the case has been closed and no further 10 action by the Court is contemplated unless the Court is ordered to do something by the United States 11 Court of Appeals for the Ninth Circuit. Because judgment has been entered and the case is closed, 12 there are no proceedings to stay. Thus, to the extent that Petitioner is requesting that this Court take no further action pending his appeal, such a request is unnecessary and will be denied as such. To 13 14 the extent that Petitioner is seeking the issuance of a certificate of appealability, such a request is 15 moot since the District Court has already declined to issue a certificate of appealability. 16 **ORDER** For the foregoing reasons, the Court HEREBY ORDERS as follows: 17 18 1. Petitioner's motion for stay of proceedings (Doc. 25), is DENIED as unnecessary and 19 moot. 20 21 IT IS SO ORDERED. 22 Dated: **July 29, 2010** /s/ Jennifer L. Thurston UNITED STATES MAGISTRATE JUDGE 23 24 25

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