



1 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  
13 no further action pending his appeal, such a request is unnecessary and will be denied as such. To  
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**

17 For the foregoing reasons, the Court HEREBY ORDERS as follows:

- 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