

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DAVID WAYNE CROCKER,) 1:09-CV-00970 LJO SMS HC
Petitioner,) ORDER DENYING MOTION
v.) [Doc. #46]
K. HARRINGTON,)
Respondent.)

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

On February 23, 2010, the District Court issued an order that adopted the Findings and Recommendation in full, granted Respondent's motion to dismiss, dismissed the petition, and directed the Clerk of Court to enter judgment. On that same date, judgment was entered and the case was terminated. Petitioner then filed a notice of appeal and the appeal was processed to the Ninth Circuit Court of Appeals.

On March 31, 2010, Petitioner filed a motion in this Court which requested the Court to take judicial notice of a proof of service. Petitioner is advised that this case is closed and the appeal is now pending in the Ninth Circuit. Therefore, Petitioner must seek relief in the appellate court.

Accordingly, Petitioner's motion is DENIED.

IT IS SO ORDERED.

Dated: April 12, 2010

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE