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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

ROBERT W. WASHINGTON,)	Case No.: 1:09-cv-01801-AWI-JLT
)	
Petitioner,)	ORDER DENYING AS MOOT PETITIONER'S
)	MOTION TO ABROGATE NOTICE OF APPEAL
v.)	
)	
D. G. ADAMS, Warden,)	(Doc. 46)
)	
Respondents.)	
)	

In this action, the petition was filed on October 1, 2009. (Doc. 1). On February 27, 2013, the Magistrate Judge assigned to the case issued Findings and Recommendations to dismiss the petition. (Doc. 40). On March 18, 2013, Petitioner filed a notice of appeal. (Doc. 42). The Findings and Recommendations were adopted on March 22, 2013 (Doc. 44) and the Court entered judgment on that same date. (Doc. 45).

On March 27, 2013, Petitioner filed his motion to abrogate the notice of appeal since it was premature. (Doc. 46). Subsequently, Petitioner pursued an appeal in the Ninth Circuit, which, on November 12, 2015, affirmed the Court's dismissal. (Doc. 55). Apparently, due to an administrative error, the motion to abrogate is still pending, despite the fact that the case is closed and the appeal has been concluded.

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ORDER

For the foregoing reasons, the Court ORDERS Petitioner's motion to abrogate the notice of appeal (Doc. 46), is DENIED as MOOT.

IT IS SO ORDERED.

Dated: February 9, 2016

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE