

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

6 MIGUEL A. ZAVALA VIGAS, ) 1:09-CV-01992 LJO GSA HC  
7 Petitioner, ) ORDER DENYING PETITIONER'S  
8 v. ) MOTION FOR APPLICATION TO FILE  
9 K. HARRINGTON, Warden, ) BELATED CERTIFICATE OF  
10 Respondent. ) APPEALABILITY  
 ) [Doc. #30]

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

14 On August 10, 2010, the District Court issued a final order dismissing the petition for  
15 violating the statute of limitations. Petitioner filed a notice of appeal and the appeal was processed  
16 to the Ninth Circuit Court of Appeal. On October 21, 2010, the Ninth Circuit denied a certificate of  
17 appealability thereby terminating the appeal.

18 On January 12, 2011, Petitioner filed the instant motion for application to file a belated  
19 certificate of appealability. Petitioner's motion will be denied because it is moot. The appeal has  
20 already been denied by the Ninth Circuit. Therefore, granting a certificate of appealability would  
21 serve no purpose.

22 Accordingly, Petitioner's motion for application to file a belated certificate of appealability is  
23 DENIED.

24 IT IS SO ORDERED.

25 | Dated: January 13, 2011

/s/ Lawrence J. O'Neill  
UNITED STATES DISTRICT JUDGE