

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RAYSHON THOMAS,)	1:10-cv-00200 AWI GSA HC
)	
Petitioner,)	ORDER DENYING PETITIONER'S
)	MOTION FOR EXTENSION OF TIME
v.)	[Doc. #25]
)	
)	ORDER REGARDING PETITIONER'S
THE SUPERIOR COURT OF MADERA)	MISCELLANEOUS PLEADINGS
COUNTY,)	[Docs. #24, 26]
)	
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 September 2, 2010, the District Judge issued an order dismissing the petition. Judgment was entered on the same date. Petitioner filed a notice of appeal and the appeal was processed to the Ninth Circuit Court of Appeals. The matter is currently pending before the Ninth Circuit on appeal.

On April 15, 2011, Petitioner filed a document entitled "Legal Missive." The Court cannot ascertain what purpose this document is intended to serve. On May 2, 2011, Petitioner filed a pleading which he titles as a motion; however, it is also largely undecipherable. It appears Petitioner

1 seeks an extension in order to file a habeas corpus brief; however, he has already filed a habeas
2 corpus brief, but his petition was denied. Also on May 2, 2011, Petitioner filed a pleading entitled,
3 “Notice of Appeal of Writ of Mandamus....” Again, the Court cannot determine what this document
4 is nor the purpose this document is intended to serve. It is captioned for the Ninth Circuit Court of
5 Appeals, so it is unclear why it was filed in this Court.

6 Petitioner is advised that this case is closed. Final judgment was entered months ago on
7 September 2, 2010. The matter has been on appeal to the Ninth Circuit since November 19, 2010.
8 Petitioner’s various requests for relief must be directed to the Ninth Circuit since this Court is
9 without jurisdiction to rule on any matters involved in the appeal. Griggs v. Provident Consumer
10 Discount Co., 459 U.S. 56, 58 (1982) (per curiam); Bermudez v. Duenas, 936 F.2d 1064, 1068 (9th
11 Cir.1991); Gould v. Mutual Life Insurance Company of New York, 790 F.2d 769, 772 (9th
12 Cir.1986); Scott v. Younger, 739 F.2d 1464, 1466 (9th Cir.1984); Davis v. United States, 667 F.2d
13 822, 824 (9th Cir.1982). Petitioner’s various pleadings will be dismissed, and Petitioner is advised
14 that all future filings in this case will be summarily dismissed and/or stricken, unless and until the
15 Ninth Circuit remands the matter back to this Court.

16 Accordingly, IT IS HEREBY ORDERED that Petitioner’s motion for extension and his two
17 miscellaneous notices are DISMISSED.

18
19 IT IS SO ORDERED.

20 **Dated: May 10, 2011**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE

21
22
23
24
25
26
27
28