

1  
2  
3  
4  
5  
6  
7  
8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA

10 JAMES E. COOPER,

11 Petitioner,

12 v.

13 B. CURRY, Warden,

14 Respondent.  
15

) 1:10-CV-00255 LJO GSA HC

) ORDER DENYING PETITIONER'S  
) MOTION FOR STAY OF JUDGMENT

) [Doc. #11]  
)  
)  
)  
)

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

18 On April 12, 2010, the undersigned issued an Order dismissing the petition as successive.  
19 Judgment was entered the same date. On April 19, 2010, Petitioner filed a motion for stay of  
20 judgment until he receives permission to file a successive petition from the Ninth Circuit Court of  
21 Appeals. Petitioner's motion will be denied. Under 28 U.S.C. § 2241(b)(3)(A), Petitioner must move  
22 in the Ninth Circuit Court of Appeals for an order authorizing a successive application "[b]efore a  
23 second or successive application . . . is filed. (italics added.)

24 Accordingly, Petitioner's motion for stay of judgment is hereby DENIED.  
25 IT IS SO ORDERED.

26 Dated: April 26, 2010

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