UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JAMES SANFORD POBURSKY,

Petitioner,

v.

DOUGLAS PAPAGNI,

Respondent.

_____/

1:10-cv-00326-LJO-MJS (HC)

ORDER DISMISSING MOTION TO COMPEL AS MOOT

[Doc. 21]

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 25, 2011, Petitioner filed a motion to compel Respondent to serve copies of the state appelate record on Petitioner.

On March 1, 2011, Respondent filed a notice of lodging of the state records with the Court. (Notice, ECF No. 22.) The declaration of service by mail attached to the notice of lodging states that Respondent served a copy of the records by mail upon Petitioner. As Respondent has provided the documents in question to Petitioner, the instant motion is hereby DISMISSED as MOOT.

IT IS SO ORDERED.

Dated: June 13, 2011

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE

Dockets.Justia.com