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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID CARTER,

 Petitioner,

 v.

JAMES D. HARTLEY, Warden,

 Respondent.

No. 1:12-cv-00829-AWI-JLT (HC)

**ORDER DENYING PETITIONER’S
APPLICATION FOR CERTIFICATE OF
APPEALABILITY AS MOOT [Doc. No. 25]**

**ORDER DENYING PETITIONER’S
MOTION THAT DOCKETING FEE BE
WAIVED AS MOOT [Doc. No. 25]**

**ORDER DENYING MOTION FOR COPY
OF TRANSCRIPT AS MOOT [Doc. No. 25]**

On July 23, 2012, the District Court issued an order adopting the Findings and Recommendations and dismissing the case. In addition, the Court declined to issue a certificate of appealability. On August 13, 2012, Petitioner filed a notice of appeal and the appeal was processed to the Ninth Circuit Court of Appeals. Petitioner also filed motions to proceed in forma pauperis on appeal, and the motions were granted on August 14, 2012.

On August 22, 2012, Petitioner filed a motion for certificate of appealability. The motion must be denied as moot. First, the District Court already declined to issue a certificate of appealability on July 23, 2012. Second, the Ninth Circuit dismissed the appeal on March 17, 2017.

On September 19, 2012, Petitioner filed a motion for copy of transcripts and a request that

1 the docketing fees be waived. These motions must also be denied as moot for the same reasons,
2 to wit, the District Court granted Petitioner in forma pauperis status on August 14, 2012, and the
3 Ninth Circuit dismissed the appeal on March 17, 2017.

4 **ORDER**

5 Accordingly, the Court **ORDERS**:

- 6 1) Petitioner’s motion for certificate of appealability is DENIED as moot; and
- 7 2) Petitioner’s motions for copy of transcripts and to waive appeal fees are DENIED as
8 moot.

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10 IT IS SO ORDERED.

11 Dated: March 21, 2017

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

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