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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

TROY WAYNE SMITH,

1:12-CV-01529 BAM HC

Petitioner,

ORDER DISMISSING MOTION FOR  
EVIDENTIARY HEARING

v.

K. HOLLAND, et al.,

[Doc. #12]

Respondents.

\_\_\_\_\_ /

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. He consented to the jurisdiction of the Magistrate Judge pursuant to 28 U.S.C. § 636(c).

On November 1, 2012, the Court issued an order dismissing the petition with prejudice. Judgment was entered on the same date. Thereafter, on November 5, 2012, Petitioner filed a motion for evidentiary hearing. Insofar as the petition has been dismissed and the case is now closed, the motion will be dismissed as moot.

Accordingly, IT IS HEREBY ORDERED that the motion for evidentiary hearing is DISMISSED.

IT IS SO ORDERED.

**Dated: November 16, 2012**

**/s/ Barbara A. McAuliffe**  
UNITED STATES MAGISTRATE JUDGE