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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SCOT ERIC PINKERTON,
Petitioner,

v.

E. VALENZUELA, Warden,
Respondent.

1:13-cv-01283 AWI MJS HC
**ORDER DENYING MOTION TO STAY IN
LIGHT OF PENDING APPELLATE
DECISION**
(Doc. 21.)

Plaintiff is proceeding *pro se* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner filed the petition on July 8, 2013 challenging a 1999 conviction. Because Petitioner had previously sought habeas corpus review from this Court regarding this conviction, the Court dismissed the petition as successive on November 15, 2013. Petitioner is currently appealing the resulting judgment. On January 7, 2014 he filed a motion to stay the present matter during the pendency of the appeal. (ECF No. 21.)

The present action has been dismissed, and the case is closed. As the case is not pending, the motion to stay the action is DENIED as moot. Should the Ninth Circuit

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1 authorize Petitioner to file a second or successive petition, Petitioner may then move this
2 Court to re-open the present matter.

3
4 IT IS SO ORDERED.

5 Dated: February 10, 2014

/s/ Michael J. Seng
6 UNITED STATES MAGISTRATE JUDGE

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