

1 **UNITED STATES DISTRICT COURT**

2 EASTERN DISTRICT OF CALIFORNIA

3 ADELAIDO PINEDO,

4 Petitioner,

5 v.

6 CHERYL PLILER,

7 Respondent.

Case No. 1:13-cv-01595-LJO-SAB-HC

ORDER DENYING PETITIONER'S
MOTION FOR CERTIFICATE OF
APPEALABILITY

(ECF No. 24)

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10 Petitioner is a state prisoner who proceeded pro se with a petition for writ of habeas
11 corpus pursuant to 28 U.S.C. § 2254. On June 2, 2014, this Court dismissed the petition, declined
12 to issue a certificate of appealability, and entered judgment. (ECF Nos. 18, 19). Petitioner filed a
13 notice of appeal, and on February 18, 2015, the Ninth Circuit denied Petitioner's request for a
14 certificate of appealability. (ECF Nos. 20, 23).

15 On March 29, 2017, Petitioner filed the instant motion for certificate of appealability.
16 (ECF No. 24). This Court previously declined to issue a certificate of appealability, and the
17 Ninth Circuit expressly denied Petitioner's request for a certificate of appealability regarding the
18 dismissal of Petitioner's federal habeas petition. See United States v. Jingles, 702 F.3d 494, 499
19 (9th Cir. 2012) ("Under the 'law of the case' doctrine, a court is ordinarily precluded from
20 reexamining an issue previously decided by the same court, or a higher court, in the same
21 case.") (quoting Richardson v. United States, 841 F.2d 993, 996 (9th Cir. 1988)).

22 Accordingly, Petitioner's motion for a certificate of appealability (ECF No. 24) is
23 DENIED.

24 IT IS SO ORDERED.

25 Dated: March 31, 2017

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