(HC) Brooks v. Soto Doc. 27 1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 9 EASTERN DISTRICT OF CALIFORNIA 10 11 JONQUEL BROOKS, Case No. 1:13-cv-01683-LJO-SAB (HC) ORDER DENYING PETITIONER'S MOTION 12 Petitioner, FOR CERTIFICATE OF APPEALABILITY AS 13 **MOOT** V. 14 J. SOTO, (ECF No. 22) 15 Respondent. 16 On February 5, 2015, the Court adopted the Findings and Recommendation and denied the 17 instant petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254. (ECF No. 19). On 18 that same date, judgment was entered in accordance with the order denying the petition. (ECF 19 No. 20). On December 31, 2014, Petitioner filed a motion for a certificate of appealability. (ECF 20 No. 18). In the February 5, 2015, order denying the petition, the Court also denied Petitioner's 21 motion for a certificate of appealability. (ECF No. 19). 22 On March 9, 2015, Petitioner filed a motion for certificate of appealability, along with a 23 notice of appeal and a motion to proceed without prepayment of filing fees. (ECF Nos. 21, 22, & 24 23). In the February 5, 2015, order denying the petition, the Court found that "reasonable jurists 25 would not find the Court's determination that Petitioner is not entitled to federal habeas corpus 26

relief debatable, wrong, or deserving of encouragement to proceed further" and that Petitioner had

"not made the required substantial showing of the denial of a constitutional right" to justify the

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issuance of a certificate of appealability. (ECF No. 19 at 3). In light of the fact the Court denied Petitioner's motion for a certificate of appealability in the final order dated February 5, 2015, Petitioner's subsequent motion for a certificate of appealability is DENIED as MOOT. SO ORDERED **Dated: March 12, 2015** /s/ Lawrence J. O'Neill **United States District Judge**