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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

TOMMY DAVIDSON,
Petitioner,
v.
RAYMOND MADDEN, Warden,
Respondent.

Case No. 1:14-cv-00745-AWI-MJS (HC)

**ORDER DENYING MOTION FOR
CERTIFICATE OF APPEALABILITY**

**CLERK TO TRANSMIT ECF NO. 38 TO
NINTH CIRCUIT COURT OF APPEALS**

(ECF NO. 38)

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. On June 8, 2017, the Court denied the petition and declined to issue a certificate of appealability. (ECF No. 35.)

On June 20, 2017, Petitioner filed a notice of appeal and a motion requesting a certificate of appealability. (ECF Nos. 37 and 38.) The motion for a certification of appealability is ambiguous because it lists the court as “United States District Court, Ninth Circuit of Appeals Court.” Doc. No. 38. However, the motion is entitled “Motion For Certificate Of Appealability Following Denial of COA Request By District Court.” The motion also states that it is direct to “Panel Assigned To Consider Whether Or Not To Issue Certificate Of Appealability.” Id.

1 As this Court has already declined to issue a certificate of appealability,¹ and
2 considering the above quoted language, Petitioner misfiled his motion with this Court.
3 Because Petitioner is attempting to obtain a certificate of appealability from the Ninth
4 Circuit, the Court will direct the Clerk to forward Petitioner's motion to the Ninth Circuit.

5
6 **ORDER**

7 Accordingly, because Petitioner seeks a certificate of appealability from the Ninth
8 Circuit Court of Appeals, the Clerk of Court is HEREBY DIRECTED to transmit
9 Petitioner's motion for a certificate of appealability (Doc. No. 38) to the Ninth Circuit
10 Court of Appeals.

11 IT IS SO ORDERED.

12 Dated: September 18, 2017

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14 SENIOR DISTRICT JUDGE

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28 ¹ The Court's June 8, 2017 Order, including the decision to decline to issue a certificate of appealability, remains in full effect.