

1  
2  
3  
4  
5  
6  
7 **UNITED STATES DISTRICT COURT**  
8 **EASTERN DISTRICT OF CALIFORNIA**  
9

10 PATRICK JONES,

11 Petitioner,

12 v.

13 WARDEN of USP ATWATER,

14 Respondent.

Case No. 1:15-cv-01020-AWI-SAB-HC

ORDER DENYING AS MOOT MOTION TO  
AMEND NOTICE OF APPEAL

(ECF No. 26)

15  
16 Petitioner is a federal prisoner proceeding pro se with a petition for writ of habeas corpus  
17 pursuant to 28 U.S.C. § 2241. On September 30, 2015, the Court adopted the Magistrate Judge's  
18 findings and recommendation and dismissed the petition. (ECF No. 16). On January 21, 2016,  
19 the Court denied Petitioner's motion for reconsideration. (ECF No. 19).

20 On March 18, 2016, the Court received Petitioner's motion seeking authorization to  
21 proceed *in forma pauperis* on appeal. (ECF No. 20). As the Court had previously permitted  
22 Petitioner to proceed *in forma pauperis* in this matter, Petitioner did not require further  
23 authorization and the Court construed the motion as a notice of appeal. (ECF No. 21). On March  
24 23, 2016, the appeal was processed to the Ninth Circuit Court of Appeals. (ECF No. 23).

25 On March 31, 2016, the Court received the instant motion wherein Petitioner seeks leave  
26 to amend the notice of appeal he previously submitted<sup>1</sup> in order to list the correct case number.

27 \_\_\_\_\_  
28 <sup>1</sup> In addition to the motion to appeal *in forma pauperis*, Petitioner submitted a separate notice of appeal, which the  
Court returned to Petitioner without docketing because it listed an incorrect case number. (ECF No. 26 at 4–6).

1 (ECF No. 26). The Court finds the instant motion to be moot. The Court previously construed  
2 Petitioner's motion to appeal *in forma pauperis*, which listed the correct case number, as a notice  
3 of appeal and processed the appeal to the Ninth Circuit.

4 Accordingly, IT IS HEREBY ORDERED that Petitioner's motion to amend the notice of  
5 appeal (ECF No. 26) is DENIED as moot.

6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

IT IS SO ORDERED.

Dated: April 7, 2016

  
\_\_\_\_\_  
SENIOR DISTRICT JUDGE