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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAMES DEMARCO RICHARDS,

Petitioner,

v.

KIM HOLLAND,

Respondent.

No. 1:16-cv-00139-LJO-JLT (HC)

**ORDER DISMISSING MOTION FOR
CERTIFICATE OF APPEALABILITY**

[Doc. No. 28]

On March 15, 2017, the District Court issued an order denying the petition. The Court also declined to issue a certificate of appealability. On April 18, 2017, Petitioner filed a notice of appeal and the appeal was processed to the Ninth Circuit. On April 21, 2017, Petitioner filed a motion for certificate of appealability. The Ninth Circuit denied the appeal on November 9, 2017.

Because this Court and the Ninth Circuit Court of Appeals have denied a certificate of appealability, Petitioner’s motion for certificate of appealability is hereby DISMISSED.

IT IS SO ORDERED.

Dated: December 4, 2017

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