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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

ERIK DANIEL RAMIREZ,  
Petitioner,  
v.  
S. FRAUENHEIM, Warden,  
Respondent.

Case No. 1:17-cv-00029-LJO-JLT-HC  
ORDER DENYING REQUEST FOR  
ISSUANCE OF CERTIFICATE OF  
APPEALABILITY AS PREMATURE  
(Doc. 2)

On January 9, 2017, Petitioner filed a petition for writ of habeas corpus in this Court. Along with the petition, he filed a motion for certificate of appealability pursuant to 28 U.S.C. § 2253 and Fed. R. App. Proc. 22. Petitioner is advised that a certificate of appealability has no application and serves no purpose at the commencement of a federal habeas case. Rather, a certificate of appealability only becomes an issue after a final order is issued in his case. Accordingly, Petitioner's second motion is **DENIED** as premature.

IT IS SO ORDERED.

Dated: March 30, 2017

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE