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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANSAR MUHAMMAD a/k/a
NICHOLAUS RAMONE EDWARDS,

Petitioner,

2: 04 - cv - 1127 - TJB

vs.

D.L. RUNNELS, et al.,

Respondents.

ORDER

_____ /

Petitioner is a state prisoner proceeding *pro se* with a petition for writ of habeas corpus brought pursuant to 28 U.S.C. § 2254. On January 26, 2011, the instant petition was denied and judgment was entered. The court also declined to issue a certificate of appealability.

On February 11, 2011, Petitioner filed a motion for an extension of time to file an appeal (Dkt. No. 60.) On that same day, Petitioner filed a notice of appeal. (Dkt. No. 61.) Thus, to the extent that the Petitioner seeks to extend the time to file a notice of appeal in Docket No. 60, the motion is denied as moot in light of the filing of the notice of appeal in Docket No. 61.

Additionally, to the extent that the motion for an extension of time to file an appeal can be construed as a motion for an extension of time to file a motion for a certificate of appealability, it too is denied as moot. Petitioner is advised that the court previously determined that a certificate

1 of appealability shall not issue.

2 Accordingly, IT IS HEREBY ORDERED that:

- 3 1. Petitioner's motion for an extension of time to file a notice of appeal (Dkt. No.
4 60.) is DENIED AS MOOT.

5 DATED: February 15, 2011

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TIMOTHY J BOMMER
UNITED STATES MAGISTRATE JUDGE