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

EDWARD DON BROWN,

Petitioner,

No. 2:05-cv-1195 LKK DAD (HC)

vs.

WARDEN YATES,

Respondent.

ORDER

\_\_\_\_\_ /

Petitioner is a state prisoner proceeding pro se with an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On December 13, 2010, a request for extension of time to file a request for a certificate of appealability and for appointment of counsel prepared by petitioner was received in the United States Court of Appeals for the Ninth Circuit. That document was transferred to this court and entered on this court’s docket. On December 17, 2010, the document was construed as containing a notice of appeal which was processed to the United States Court of Appeals for the Ninth Circuit

The record reflects that petitioner’s application for a writ of habeas corpus was denied by the district court on March 31, 2009, and judgment was entered on the same day. On January 8, 2010, petitioner filed a motion pursuant to Fed. R. Civ. P. 60(b). That motion was denied by the district court on August 31, 2010. In the same order, the district court denied petitioner’s request for appointment of counsel and declined to issue a certificate of appealability.

1 Since the district court has denied petitioner's request for appointment of counsel and declined to  
2 issue a certificate of appealability, this court will take no further action on the requests contained  
3 in the document filed by petitioner on December 13, 2010.

4 Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court is directed to  
5 send a copy of this order to the United States Court of Appeals for the Ninth Circuit.

6 DATED: January 3, 2011.

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10 DALE A. DROZD  
11 UNITED STATES MAGISTRATE JUDGE

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