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

WILLIAM MOORE,	)	
Petitioner,	)	CASE NO.    2:07-cv-423 BJR
	)	
v.	)	
	)	ORDER DENYING PETITIONER’S
	)	REQUEST FOR A CERTIFICATE OF
KEN CLARK,	)	APPEALABILITY AND MOTION
Respondent.	)	FOR RECONSIDERATION

          This matter comes before the court on the following two motions filed by Petitioner on May 12, 2010: (1) Request for a Certificate of Appealability, and (2) Request for Reconsideration of Denial. Petitioner is a California state prisoner who filed a pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 in the United States District Court for the Eastern District of California. The matter was transferred to this court on March 2, 2010.

          Petitioner filed the present motions in response to this court’s April 16, 2010 Order denying his February 23, 2009 Motion to Suppress, Protect and Intervene and his January 29, 2010 Motion for Extraordinary Relief. In those motions Petitioner argued that the California District Attorney’s Office is plotting to kill his extended family in retaliation for his niece’s testimony on his behalf at his criminal trial. He also claimed that agents from the District Attorney’s Office kidnapped his wife and step-daughter and “brainwashed” them into acting

1 against Petitioner.<sup>1</sup> This court denied the motions because the allegations lacked any factual  
2 support and he failed to state a legally cognizable claim.<sup>2</sup>

3 In the present motions, Petitioner requests that the court issue a certificate of  
4 appealability pursuant to 28 U.S.C. § 2253(c)(2) so that he may appeal the April 16<sup>th</sup> Order, and,  
5 simultaneously, requests that the court reconsider its April 16<sup>th</sup> ruling. A certificate of  
6 appealability is required to appeal “the final order in a habeas proceeding in which the detention  
7 complained of arises out of process issued by a state court.” *See Wilson v. Bellequ*, 554 F.3d 816,  
8 824 (9th Cir. 2009). This court has not issued a final ruling on the petition for writ of habeas  
9 corpus. Accordingly, a certificate of appealability is not warranted and will not be issued.  
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11 Likewise, Petitioner’s motion for reconsideration must be denied. Not only was the  
12 motion filed well after the fourteen day time limitation imposed by Local Rule 7(h) expired, but  
13 Petitioner failed to show either manifest error or raise new facts or legal authority that could not,  
14 with reasonable diligence, have been brought to the court’s attention earlier.<sup>3</sup>

15 Based on the foregoing, it is HEREBY ORDERED that Petitioner’s Request for a  
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22 <sup>1</sup> Based on these allegations, Petitioner sought the following relief: (1) that the court “discover” the “Plot to Kill”;  
23 (2) that he receive a change of venue; (3) that the word “Petitioner” be “expanded and construed too[sic] mean  
24 William Moore and Kathryn Moore, and treated jointly as husband and wife”; (4) that Petitioner’s criminal case be  
sealed in order to protect his family; (5) that his request for a writ of habeas be granted; and (6) that he be awarded  
costs and damages in excess of eight million dollars.

25 <sup>2</sup> The court also noted that the relief Petitioner sought is beyond the scope of a writ for habeas corpus.

<sup>3</sup> Petitioner’s reference to a January 24, 2009 newspaper article fails to substantiate his theory the California District  
Attorney’s Office is plotting to kill his niece. No evidence has been presented that the defendant referenced in the  
article is an agent of the District Attorney’s Office, that the 14-year-old victim is Petitioner’s niece, or that the article  
relates to Petitioner’s case in any manner whatsoever.

1 Certificate of Appealability and Motion for Reconsideration of Denial are DENIED.

2 DATED this 4<sup>th</sup> day of June, 2010.

3  
4 /s/ Barbara Jacobs Rothstein

5 Barbara Jacobs Rothstein  
6 U.S. District Court Judge  
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