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

CARL D. MITCHELL,  
Petitioner,

No. CIV S-09-0269-MCE-CMK-P

vs.

ORDER

A. HEDGEPEETH,  
Respondent.

\_\_\_\_\_ /

Petitioner, a state prisoner proceeding pro se, brought this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Final judgment was entered on February 7, 2011. Plaintiff filed a notice of appeal on April 18, 2011. The Ninth Circuit Court of Appeals issued on order on May 19, 2011, denying a certificate of appealability because petitioner’s notice of appeal was untimely. Petitioner now seeks in this court reconsideration of the Ninth Circuit’s May 19, 2011, order (Doc. 32). The motion is denied because this court does not have jurisdiction to reconsider an order issued by the Ninth Circuit.

IT IS SO ORDERED.

DATED: April 11, 2012

  
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**CRAIG M. KELLISON**  
UNITED STATES MAGISTRATE JUDGE