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

BRYANT KEITH BROWN,

Petitioner,

No. 2:10-cv-2040 MCE KJN P

vs.

WARDEN,

Respondent.

ORDER

_____/

Respondent’s motion to dismiss petitioner’s application for writ of habeas corpus was granted on March 9, 2011. Petitioner has now filed his third motion for certificate of appealability.

Petitioner’s first motion for certificate of appealability was filed on December 20, 2010. (Dkt. No. 17.) The district court declined to issue a certificate of appealability on March 9, 2011. (Dkt. No. 19.) On May 16, 2011, petitioner filed a second motion, which the court construed as a request for reconsideration of the court’s March 9, 2011 order declining to issue a certificate. (Dkt. No. 28.) The court denied petitioner’s motion. (Dkt. No. 31.) On July 8, 2011, petitioner filed a second notice of appeal, and a third motion for certificate of appealability.

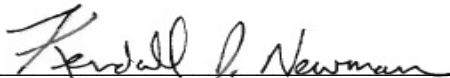
Petitioner’s July 8, 2011 motion for certificate of appealability, addressed to the district court, is duplicative. The district court declined to issue the certificate of appealability

1 and ruled on petitioner's motion to reconsider. Petitioner may not revisit this issue in the district
2 court again. Petitioner may seek a certificate of appealability in the appellate court, but petitioner
3 must file the motion in the Court of Appeals for the Ninth Circuit rather than in the district court.

4 Petitioner is advised that judgment was entered on March 9, 2011, and this action
5 is closed. Petitioner shall file no further documents in this closed case. Any further filings,
6 however, will be disregarded and no orders will issue in response to any future filings.

7 Accordingly, IT IS HEREBY ORDERED that petitioner's July 8, 2011 motion for
8 certificate of appealability (dkt. no. 34) is denied without prejudice.

9 DATED: August 22, 2011

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12 KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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