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

JOSE HUMBERTO MAGANA-TORRES,
Petitioner,
v.
KELLY HARRINGTON,
Respondent.

No. 2:10-CV-2669-WBS-DMC-P

ORDER

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 July 6, 2012 (Doc. 32) and petitioner’s appeal from that judgment has been dismissed by the Ninth Circuit Court of Appeals for lack of jurisdiction (Doc. 37) because petitioner raised issues not encompassed by the district court’s certificate of appealability and the appellate court declined to expand the certificate of appealability to encompass the issues raised by petitioner.

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1 Pending before the court is petitioner's motion (Doc. 34) for leave to proceed in forma pauperis
2 on appeal. The motion is denied as unnecessary because plaintiff's appeal has been resolved.

3 IT IS SO ORDERED.

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5 Dated: February 14, 2019



6 DENNIS M. COTA
7 UNITED STATES MAGISTRATE JUDGE

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