UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

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| WILLIAM ALEXANDER BOYD,<br>Petitioner,<br>v.<br>W. KNIPP,<br>Respondent. | No. 2:12-cv-0372 JAM GGH P<br><br>ORDER |

This petition for writ of habeas corpus was denied on November 6, 2013 and judgment entered accordingly. At that time, the district court declined to issue a certificate of appealability. Petitioner then filed a notice of appeal on December 5, 2013, and that appeal has been processed to the Ninth Circuit Court of Appeals. Petitioner's filing, entitled application for certificate of appealability, filed on January 10, 2014, is construed as a motion for reconsideration of that portion of the order. Because this case is now on appeal, this court will not rule on petitioner's request unless and until the Ninth Circuit Court of Appeals issues such a directive.

Accordingly, IT IS ORDERED that petitioner's application for reconsideration of the denial of the certificate of appealability, filed January 10, 2014 (ECF No. 45), is denied without prejudice.

Dated: January 16, 2014

/s/ Gregory G. Hollows

UNITED STATES MAGISTRATE JUDGE

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