UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ISSIAH W. JACKSON, Petitioner, v. ANTHONY HEDGPETH, Respondent.	No. 2:12-cv-00691-TLN-CKD **ORDER**

On June 2, 2014, this Court adopted the Magistrate Judge's Findings and Recommendations (ECF No. 28) in full, denying Petitioner's application for a writ of habeas corpus and declining to issue a certificate of appealability ("COA") on all issues under 28 U.S.C. § 2253. (ECF No. 30.) On November 10, 2014, Petitioner filed a Motion for Certificate of Appealability (ECF No. 32), as well as a Notice of Appeal to the Court of Appeals (ECF No. 33). Under Ninth Circuit Federal Rule of Appellate Procedure 22-1(d), "[i]f the district court denies a COA as to all issues, petitioner may file a motion for a COA in the court of appeals…. [i]f petitioner does not file a COA motion … the court of appeals will deem the notice of appeal to constitute a motion for a COA." Because Petitioner filed an appeal with the Ninth Circuit Court of Appeals on November 10, 2014, his appeal is considered a motion for a COA with the Court of Appeals and his motion before this Court is therefore moot. For these reasons, Petitioner's Motion for Certificate of Appealability is DENIED as MOOT. (ECF No. 30.)

IT IS ORDERED.

Dated: November 25, 2014

Troy L. Nunley
United States District Judge

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