

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ALPHONSO HAYDEN, JR.,

No. 2:14-cv-1004 WBS DAD P

Petitioner,

ORDER

BRIAN DUFFY, Warden,

Respondent.

Petitioner is a state prisoner proceeding pro se with an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Currently pending before the court is respondent's motion to dismiss, filed on February 26, 2015. (ECF No. 22.)

On March 11, 2015, petitioner filed a motion with the court seeking an order (i) compelling respondent to provide petitioner with copies of petitions that respondent alleges, in his motion to dismiss, petitioner filed on October 23, 2003 in the California Supreme Court and on November 23, 2004 with the Sacramento County Superior Court (hereinafter, “Past Petitions”), and (ii) deferring the court’s ruling on the pending motion to dismiss until respondent provides petitioner with these documents. (ECF No. 23.)

On March 25, 2015, respondent filed a notice with the court stating that he would provide petitioner with courtesy copies of the Past Petitions. (ECF No. 25.)

|||||

Subsequently, on April 15, 2015, after obtaining an extension of time from the court, petitioner filed an opposition to the motion to dismiss. (ECF No. 28.)

Based on the representations in respondent's March 25, 2015 notice and the fact that petitioner has filed an opposition to the motion to dismiss, IT IS HEREBY ORDERED that petitioner's March 11, 2015 motion (ECF No. 23) is denied as having been rendered moot.

Dated: May 15, 2015

Dale A. Drozd
DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

DAD:10
hayd1004.deny.moot