

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

CHRISTOPHER MASON,

Petitioner,

vs.

JOEL MARTINEZ, Warden, Sierra
Conservation Center,

Respondent.

No. 2:15-cv-02176-JKS

ORDER

[Re: Motion at Docket No. 34]

This Court denied Christopher Mason, a California state prisoner proceeding *pro se*, habeas relief and a certificate of appealability on August 21, 2017. Docket Nos. 29, 30. Mason timely filed a notice of appeal with this Court dated September 18, 2017.¹ Docket No. 31. At Docket No. 34, Mason moves for an extension of time to file a notice of appeal and a request for a certificate of appealability. The record indicates, however, that Mason has already filed a notice of appeal. *See* Docket No. 31. Likewise, any relief sought with respect to his appeal, including an extension of time to file a request for a certificate of appealability in the appellate court, must be directed to the Ninth Circuit Court of Appeals.

¹ The Court is obligated to give Mason the benefit of the “mailbox rule” and assume that he “filed” his petition on September 18, 2017, the date he signed it and presumably turned it over to prison authorities. *See Anthony v. Cambra*, 236 F.3d 568, 574-75 (9th Cir. 2000) (citing *Houston v. Lack*, 487 U.S. 266, 275 (1988)).

IT IS THEREFORE ORDERED THAT the Clerk of Court is directed to transfer Mason's Motion at Docket No. 34 to the Ninth Circuit Court of Appeals.

Dated: October 2, 2017.

/s/James K. Singleton, Jr.
JAMES K. SINGLETON, JR.
Senior United States District Judge