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7 UNITED STATES DISTRICT COURT
8 FOR THE EASTERN DISTRICT OF CALIFORNIA
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10 KENNETH KEITH MATTHEWS,

No. 2:17-cv-0440 MCE AC P

11 Petitioner,

12 v.

ORDER

13 RON RACKLEY, Warden,

14 Respondent.
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16 This action was dismissed and judgment entered on January 5, 2018. See ECF Nos. 22-3.
17 This court declined to issue a certificate of appealability pursuant to 28 U.S.C. § 2253. ECF No.
18 22. Thereafter petitioner filed a motion for certificate of appealability directed to the Ninth
19 Circuit Court of Appeals. ECF No. 24.

20 For good cause shown, IT IS HEREBY ORDERED that the Clerk of Court shall:

- 21 1. Forward petitioner's motion filed January 24, 2018, ECF No. 24, to the Ninth Circuit
22 Court of Appeals; and
23 2. Designate on the instant docket that petitioner's motion, insofar as it may be construed
24 as directed to this district court, is denied as moot.

25 SO ORDERED.

26 DATED: February 27, 2018

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28 ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE