

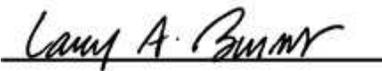
1 *Howard*, 381 F.3d 873, 876 n.1 (9th Cir. 2004) (court may take judicial notice of court
2 records in another case).

3 The records confirm the government’s representations. On January 5 of this year,
4 Judge Henry Wingate issued his judgment of revocation. (Docket no. 308.) Atwood has
5 filed a notice of appeal of that court’s decision. The government suggests that this renders
6 Atwood’s claim moot, although it might also be said that Atwood’s claim has become unripe
7 for adjudication. Either way, the Court lacks jurisdiction to adjudicate it. *See North Carolina*
8 *v. Rice*, 404 U.S. 244, 245–46 (1971) (holding that federal courts lack jurisdiction to decide
9 moot questions); *Austin v. City & Cty of Honolulu*, 840 F.3d 678, 682 (9th Cir. 1988) (“Unless
10 a claim is ripe, we do not have jurisdiction to hear it.”). Atwood either prevails on appeal or
11 serves his 72-month sentence, the Court could not grant him any relief even if he could show
12 he were eligible for it.

13 The petition is **DISMISSED** without prejudice but without leave to amend, both for lack
14 of jurisdiction, and also because Atwood by his non-opposition has consented to its
15 dismissal. All other pending requests are **DENIED AS MOOT** and all pending dates are
16 **VACATED**.

17 **IT IS SO ORDERED.**

18 DATED: January 10, 2018

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20 **HONORABLE LARRY ALAN BURNS**
21 United States District Judge
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