

FILED

FOR PUBLICATION

JUL 18 2014

UNITED STATES COURT OF APPEALS

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

JOSEPH RUDOLPH WOOD, III,

Petitioner - Appellant,

v.

CHARLES L. RYAN, interim Director,
Arizona Department of Corrections,

Respondent - Appellee.

No. 08-99003

D.C. No. 4:98-CV-00053-JMR
District of Arizona,
Tucson

ORDER

Before: THOMAS, GOULD, and BYBEE, Circuit Judges.

Petitioner filed a Consolidated Petition for Writ of Habeas Corpus and Motion for Stay of Execution before the Honorable Kim W. Wardlaw. Circuit Judge Wardlaw referred the Petition and Motion to this panel pursuant to Cir. R. 22-2(c) (“Once a case is assigned to a death penalty panel, the panel will handle all matters pertaining to the case”) and Cir. R. 22-4(e) (“In all capital cases where petitioner seeks a stay of execution, the Clerk shall refer any motion for a stay of execution to the death penalty panel.”).

Under Fed. R. App. P 22(a), “[a]n application for a writ of habeas corpus must be made to the appropriate district court.” *See also Felker v. Turpin*, 518 U.S. 651, 660-61 (1996) (noting that the Rule would “bar consideration of original habeas petitions in the courts of appeal”). Pursuant to Fed. R. App. P. 22(a), if a habeas petition is filed in the Court of Appeals, “the application must be transferred to the appropriate district court.”

Therefore, the Consolidated Petition for a Writ of Habeas Corpus and Motion for a Stay of Execution is transferred to the District of Arizona.

TRANSFERRED.