

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JUN 11 2010

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

CHRISTOPHER LEE CYR,

Petitioner - Appellant,

v.

VARE, Warden; ATTORNEY GENERAL
FOR THE STATE OF NEVADA,

Respondents - Appellees.

No. 08-16622

D.C. No. 2:07-CV-01264-RLH
District of Nevada,
Las Vegas

ORDER

Before: CANBY, THOMAS, and W. FLETCHER, Circuit Judges.

Nevada state prisoner Christopher Lee Cyr appeals pro se from the district court's judgment dismissing his 28 U.S.C. § 2254 habeas petition for failure to comply with the court's order.

Because Cyr challenges the final order in a habeas proceeding, a certificate of appealability is required before an appeal may be taken. *See* 28 U.S.C. § 2253(c). We construe Cyr's notice of appeal as a request for a certificate of appealability on the issue of whether the district court properly dismissed his habeas petition for failure to follow the court's order. So construed, the motion is denied. *See* 9th Cir. R. 22-1(d); *see also Slack v. McDaniel*, 529 U.S. 473, 484-85 (2000).