

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

SEP 18 2014

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

In re: KEVIN CHAPPELL, Warden of San
Quentin State Prison,

No. 14-70836

KEVIN CHAPPELL, Warden of San
Quentin State Prison,

D.C. No. 1:10-cv-01429-AWI

Petitioner,

MEMORANDUM*

v.

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF
CALIFORNIA, FRESNO,

Respondent,

JOHN MICHAEL BEAMES,

Real Party in Interest.

Petition for Writ of Mandamus

Argued and Submitted September 8, 2014
San Francisco, California

Before: SCHROEDER, OWENS, and FRIEDLAND, Circuit Judges.

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

This is a mandamus petition filed by the state. It arises out of habeas proceedings initiated by John Michael Beames, a California state prisoner. Those proceedings remain pending before the district court. The state has not demonstrated that this case warrants the intervention of this court by means of the extraordinary remedy of mandamus. *See Bauman v. U.S. Dist. Court*, 557 F.2d 650 (9th Cir. 1977). Accordingly, the petition is denied.

DENIED.