APPENDIX A

The opinion of the Ninth Circuit Court of Appeals Unpublished Opinion

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CLARK L. STUHR, Petitioner-Appellant, v. PAT GLEBE, Respondent-Appellee.	No. 17-35819 D.C. No. 3:16-cv-05833-BHS Western District of Washington, Tacoma ORDER

Before: NGUYEN and OWENS, Circuit Judges.

The request for a certificate of appealability is denied because appellant has not made a "substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2); *see also Miller-El v. Cockrell*, 537 U.S. 322, 327 (2003); *Hayward v. Marshall*, 603 F.3d 546, 552-54 (9th Cir. 2010) (en banc) (habeas challenge to a state administrative decision requires a certificate of appealability when underlying conviction and sentence issued from a state court), *overruled on other grounds by Swarthout v. Cooke*, 562 U.S. 216 (2011).

Any pending motions are denied as moot.

DENIED.

APPENDIX B

The opinion and judgment of the U.S. District Court

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CLARK LEE STUHR, Petitioner, v. PAT GLEBE, Respondent.	CASE NO. C16-5833 BHS ORDER ADOPTING REPORT AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation ("R&R") of the Honorable David W. Christel, United States Magistrate Judge (Dkt. 27), and Petitioner Clark Lee Stuhr's ("Stuhr") motion for an extension of time to file objections (Dkt. 28) and objections to the R&R (Dkt. 29).

On March 28, 2017, Stuhr filed an amended petition for writ of habeas corpus asserting two grounds for relief as follows: (1) his due process rights were violated when he lost the ability to earn good time credits and (2) his due process rights were violated when prison officials failed to provide documentary evidence before his disciplinary hearing. Dkt. 19. On July 14, 2017, Judge Christel issued the R&R recommending that the Court deny the petition on the merits and decline to issue a certificate of appealability. Dkt. 27. On July 24, 2017, Stuhr filed a motion for extension of time to file objections. Dkt. 28.[1] On August 8, 2017, Stuhr filed objections. Dkt. 29.

[1] The Court grants the unopposed motion because the Government is not prejudiced by the extension and Stuhr filed objections within a reasonable period of time.

The district judge must determine de novo any part of the magistrate judge's disposition that has been properly objected to. The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions. Fed. R. Civ. P. 72(b)(3).

In this case, Stuhr objects to Judge Christel's conclusions on both of his claims for relief. Regarding the due process claim based on denial of the ability to earn good time credits, the Court adopts the R&R. Stuhr has failed to show any clearly established federal law holding that a prisoner has a due process right in unearned good time credits. Therefore, the Court denies this ground for relief on the merits.

Regarding the due process claim based on the denial of evidence at his disciplinary hearing, Stuhr's objections have some merit. The state court concluded that, even though Stuhr had some prior medical records indicating that he suffered from shy bladder syndrome, the records were not material to his defense at the hearing. Dkt. 14, Exh. 12 ("these records fail to provide contemporary medical support for his claim."). Judge Christel found that "[Stuhr] does not state he requested the prison officials obtain these medical records prior to the hearing or request the hearing be postposed so he could obtain the records." Dkt. 27 at 9. Stuhr, however, did present this argument as follows:

> As indicated above, in the statement of the case, (Ground two) petitioner requested his medical file (documentary evidence) at his disciplinary hearing, which was necessary in his defense of the disciplinary infraction. And although the DOC granted a continuance so the files could be obtained, however, when the hearing was re-convened on September 9, 2013 the files were not obtained or provided for the hearing.

Dkt. 19 at 23. In light of Stuhr's objection, the Court agrees that the R&R misstated Stuhr's position because he asserts that he did ask for his medical record before his disciplinary hearing. This does not change the ultimate conclusion because the medical evidence was not material to Stuhr's defense. At most, the evidence established that Stuhr suffers from shy bladder syndrome, but does not establish that he was unable to provide urine samples. In fact, Stuhr had previously provided a urine sample within the framework of a shy bladder protocol, which undermines Stuhr's ability to provide a sample on August 13, 2013. Thus, the Court adopts the R&R's conclusion that Stuhr has failed to show that his due process rights were violated when prison officials failed to provide evidence that was not material to Stuhr's defense before his disciplinary hearing.

Finally, the Court adopts the R&R's conclusion that a certificate of appealability should not issue because reasonable jurists would not disagree on the denial of Stuhr's petition. Therefore, the Court having considered the R&R, Stuhr's objections, and the remaining record, does hereby find and order as follows:

(1) The R&R is **ADOPTED**;

(2) Stuhr's petition is **DENIED**;

(3) A Certificate of Appealability is **DENIED**; and

(4) The Clerk shall enter judgment and close this case.

Dated this 28th day of August, 2017.

BENJAMIN H. SETTLE
United States District Judge

APPENDIX C

The opinion of the U.S. Magistrate on Report and Recommendations

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CLARK LEE STUHR,

Petitioner,

v.

PAT GLEBE,

Respondent.

CASE NO. 3:16-CV-05833-BHS-DWC

REPORT AND RECOMMENDATION

Noting Date: August 4, 2017

The District Court has referred this action to United States Magistrate Judge David W. Christel. Petitioner Clark Lee Stuhr initiated his federal habeas case on September 29, 2016, which he amended on March 28, 2017, pursuant to 28 U.S.C. § 2254, seeking relief from prison disciplinary sanctions. *See* Dkt. 1, 19. The Court concludes the state court's adjudication of Grounds 1 and 2 was not contrary to, or an unreasonable application of, clearly established federal law. Therefore, the Court recommends the Amended Petition be denied.

I. Background

A. Ground 1

The Supreme Court of the State of Washington summarized the facts related to Ground 1 of Petitioner's case as follows:

> Stuhr pleaded guilty to first degree murder in 1989 and was given an exceptional sentence of 425 months. In 1991, he was convicted of second degree assault and

> given a 17-month sentence to run consecutively with his 1989 murder sentence. Pursuant to the [Sentencing Reform Act of 1981], Stuhr is eligible to have each of his sentences reduced by up to one-third. RCW 9.94A.729(3)(e). Stuhr has committed a number of serious disciplinary infractions while incarcerated, including assaults, throwing objects, and destroying property. DOC has revoked potentially available good conduct time for both of Stuhr's sentences as penalties for his infractions.

Dkt. 14, Exhibit 2, pp. 1-2.

Petitioner appealed the Department of Corrections' ("DOC") revocation of his potential future good conduct time to the state court of appeals. *Id.* at Exhibit 3. The Court of Appeals for the State of Washington dismissed the petition. *Id.* at Exhibit 7. Petitioner filed a motion for discretionary review with the Washington Supreme Court, which was granted. *Id.* at Exhibit 8. On July 14, 2016, the state supreme court dismissed the petition. *Id.* at Exhibit 2. The certificate of finality was issued on August 9, 2016. *Id.* at Exhibit 11.

B. Ground 2

The Court of Appeals of the State of Washington summarized the facts related to Ground 2 of Petitioner's case as follows:

> Clark Stuhr seeks relief from the loss of 30 days of good conduct time imposed following the Department of Corrections' determination that he had twice violated WAC 137-25-030(607) by not providing a urine sample. On July 29, 2013, a correctional officer made a for cause request of Stuhr for a urine sample. He said he would not be able to provide a sample because he suffers from shy bladder (paruresis). The officer informed him that failing to provide the sample would result in an infraction. Stuhr did not provide a sample and was infracted. On August 17, 2013, a different correctional officer made a for cause request of Stuhr for a urine sample. He agreed and was allowed an eight-ounce glass of water and one hour to provide the sample. He did not and was again infracted. After hearings, the Department found him guilty of the infractions and imposed sanctions of 15 days loss of good conduct time for each violation.

Dkt. 14, Exhibit 22, p. 1.

Petitioner appealed the sanctions to the state court of appeals. *See* Dkt. 14, Exhibit 13. The Court of Appeals for the State of Washington dismissed the petition. *Id.* at Exhibit 22. Petitioner

filed a motion for discretionary review with the Washington Supreme Court. *Id.* at Exhibit 23. On August 25, 2015, the state supreme court denied review of the petition. *Id.* at Exhibit 12. Petitioner filed a motion to modify the supreme court's ruling, which was denied. *Id.* at Exhibit 26, 27. The certificate of finality was issued on December 15, 2016. *Id.* at Exhibit 28.

C. Procedural Background

On September 29, 2016, Petitioner filed his Petition. Dkt. 1, 9. Petitioner filed the First Amended Petition on March 28, 2017. *See* Dkt. 19. Respondent filed an Answer, wherein he concedes Petitioner exhausted Grounds 1 and 2, but maintains the state court's adjudication of these grounds was not contrary to, or an unreasonable application of, clearly established federal law. Dkt. 21. Petitioner filed a Traverse on May 24, 2017. Dkt. 25.[1]

II. Evidentiary Hearing

The decision to hold an evidentiary hearing is committed to the Court's discretion. *Schriro v. Landrigan*, 550 U.S. 465, 473 (2007). "[A] federal court must consider whether such a hearing could enable an applicant to prove the petition's factual allegations, which, if true, would entitle the applicant to federal habeas relief." *Id.* at 474. In determining whether relief is available under 28 U.S.C. § 2254(d)(1), the Court's review is limited to the record before the state court. *Cullen v. Pinholster*, 131 S.Ct. 1388 (2011). A hearing is not required if the allegations would not entitle Petitioner to relief under §2254(d). *Landrigan*, 550 U.S. at 474. "It follows that if the record refutes the applicant's factual allegations or otherwise precludes habeas relief, a district court is not required to hold an evidentiary hearing." *Id.*; *see Cullen*, 131 S.Ct. 1388. The Court finds it is not

[1] The Court notes Petitioner filed a first and second Traverse. Dkt. 20, 25. In the second Traverse, Petitioner reiterated the enter contents of the first Traverse, plus additional arguments related to Ground 2. As the second Traverse includes the entire first Traverse, the Court will only consider the second Traverse. Any reference to the Traverse in this Report and Recommendation is referring to the second Traverse (Dkt. 25).

necessary to hold an evidentiary hearing in this case because Petitioner's claims may be resolved on the existing state court record.

III. Discussion

A. Standard of Review

Pursuant to 28 U.S.C. § 2254(d)(1), a federal court may not grant habeas relief on the basis of a claim adjudicated on the merits in state court unless the adjudication "resulted in a decision that was contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States." Clearly established Federal law "refers to the holdings, as opposed to the dicta, of [the Supreme] Court's decisions as of the time of the relevant state-court decision." *Williams v. Taylor*, 529 U.S. 362, 412 (2000). In interpreting §2254(d)(1) of the federal habeas rules, the Supreme Court has ruled a state decision is "contrary to" clearly established Supreme Court precedent if the state court either (1) arrives at a conclusion opposite to that reached by the Supreme Court on a question of law, or (2) confronts facts "materially indistinguishable" from relevant Supreme Court precedent and arrives at an opposite result. *Id.* at 405.

Moreover, under § 2254(d)(1), "a federal habeas court may not issue the writ simply because that court concludes in its independent judgment that the relevant state-court decision applied clearly established federal law erroneously or incorrectly. Rather, that application must also be unreasonable." *Id.* at 411; *see Lockyer v. Andrade*, 538 U.S. 63, 69 (2003). An unreasonable application of Supreme Court precedent occurs "if the state court identifies the correct governing legal rule from [Supreme Court] cases but unreasonably applies it to the facts of the particular state prisoner's case." *Williams*, 529 U.S. at 407. In addition, a state court decision involves an unreasonable application of Supreme Court precedent "if the state court either unreasonably

extends a legal principle from [Supreme Court] precedent to a new context where it should not apply or unreasonably refuses to extend that principle to a new context where it should apply.'" *Walker v. Martel*, 709 F.3d 925, 939 (9th Cir. 2013) (*quoting Williams*, 529 U.S. at 407).

The Anti-Terrorism Effective Death Penalty Act ("AEDPA") requires federal habeas courts to presume the correctness of state courts' factual findings unless applicants rebut this presumption with "clear and convincing evidence." 28 U.S.C. § 2254(e)(1). Further, review of state court decisions under §2254(d)(1) is "limited to the record that was before the state court that adjudicated the claim on the merits." *Cullen*, 131 S.Ct. at 1398.

B. Due Process Violations

In both Grounds 1 and 2, Petitioner alleges his due process rights were violated when he was sanctioned by the DOC. Dkt. 19.

1. *Legal Standard*

Pursuant to the Due Process Clause of the Fourteenth Amendment, "no state shall 'deprive any person of life, liberty, or property without due process of law.'" *Toussaint v. McCarthy*, 801 F.3d 1080, 1089 (9th Cir. 1986),[2] *overruled on other grounds*, *Sandin v Conner*, 515 U.S. 472 (1995). The due process guarantees of the Fourteenth Amendment thus "apply only when a constitutionally protected liberty or property interest is at stake." *Tellis v. Godinez*, 5 F.3d 1314, 1316 (9th Cir. 1993). Prisoners have a liberty interest in good behavior time credits, provided they have earned the credits under applicable state statutes and procedures. *Wolff*, 418 U.S. at 556-57; *Bergen v. Spaulding*, 881 F.2d 719, 721 (9th Cir.1989). Once the credits are

[2] Although Supreme Court precedent provides the only relevant source of clearly established federal law for AEDPA purposes, circuit precedent can be "persuasive authority for purposes of determining whether particular state court decision is an 'unreasonable application' of Supreme court law," and in ascertaining "what law is 'clearly established.'" *Duhaime v. Ducharme*, 200 F.3d 597, 600–01 (9th Cir. 2000).

earned, the credits cannot be denied without the benefit of minimal due process protections. *Wolff*, 418 U.S. at 557; *Bergen*, 881 F.2d at 721.

2. Loss of Potential Good-Time Credits (Ground 1)

In Ground 1, Petitioner alleges his constitutional rights were violated when he was deprived of the ability to earn future good-time credits. Dkt. 19. Although inmates have a liberty interest in good-time credit they have already earned, *see Wolff*, 418 U.S. at 556–58, no such interest has been recognized in the opportunity to earn good-time credits. *See Abed v. Armstrong*, 209 F.3d 63, 66–67 (2d Cir. 2000) (no liberty interest recognized in the opportunity to earn good-time credit where prison officials have discretion to determine whether an inmate or class of inmates is eligible to earn good-time credit); *Luken v. Scott*, 71 F.3d 192, 193 (5th Cir.1995) (holding that inmate has no liberty interest in opportunity to earn good-time credit). The Ninth Circuit has stated prisoners lack "a constitutionally-protected liberty interest in earning early release time credits," and therefore are "not entitled to the protections of due process before [being] deprived of [their] ability to earn the credits." *Ashby v. Lehman*, 307 Fed. Appx. 48, 49 (9th Cir. 2009) (*citing Wolff*, 418 U.S. at 557); *see Garrott v. Glebe*, 2013 WL 5913247 (W.D. Wash. Sept. 16, 2013) (finding a petitioner was not entitled to the protections of due process before he was deprived of his ability to earn the credits).

Here, the state supreme court found, consistent with its precedent, Petitioner does not have a protected liberty interest in potentially available good conduct credits. *Matter of Stuhr*, 186 Wash. 2d 49, 53–55, 375 P.3d 1031, 1033–34 (2016); Dkt. 15, Exhibit 2, pp. 5-9. Therefore, the state supreme court found Petitioner's due process rights were not violated when his potential to earn good conduct credits was revoked. *Id.*

Petitioner has not shown, nor does the Court find, there is clearly established federal law sufficient to show Petitioner has a protected liberty interest in potential future good conduct credits. Rather, circuit precedent shows a prisoner does not have a liberty interest in potential future good conduct credits. As Petitioner does not have a liberty interest in future good conduct credits, he has failed to show the state court's conclusion finding Petitioner's due process rights were not violated when the DOC revoked his potential to earn good conduct credits was contrary to, or an unreasonable application of, clearly established federal law. Accordingly, the Court concludes Ground 1 should be denied. *See Holley v. Yarborough*, 568 F.3d 1091, 1098 (9th Cir. 2009) ("When there is no clearly established federal law on an issue, a state court cannot be said to have unreasonably applied the law as to that issue." (*citing Carey v. Musladin*, 549 U.S. 70, 77 (2006)); *Garrott*, 2013 WL 5913247 (W.D. Wash. Sept. 16, 2013) (finding RCW § 9.94A.729 does not create a constitutionally protected liberty interest in earning earned time credits).[3]

3. *Loss of Earned Good-Time Credits (Ground 2)*

In Ground 2, Petitioner asserts his due process rights were violated when the DOC failed to provide specific documentary evidence when the DOC revoked 30 days of Petitioner's earned early release credits. Dkt. 19, p. 21. As stated above, an inmate has a liberty interest in the good conduct credits he has earned. *Wolff*, 418 U.S. at 556-57. Under *Wolff*, when a prisoner has a protected liberty interest in good time credits, due process requires the prisoner receive: "(1) advance written notice of the disciplinary charges; (2) an opportunity, when consistent with institutional safety and correctional goals, to call witnesses and present documentary evidence in

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[3] The Court notes Petitioner references *Wilkinson v. Austin*, 545 U.S. 209 (2005) in the Amended Petition. Dkt. 19, p. 16. Respondent argues *Wilkinson* does not apply to the facts in this case. Dkt. 21, pp. 13-14. In his Traverse, Petitioner states he was merely arguing that *Wilkinson* supports his position that he is suffering from an atypical and significant hardship. Dkt. 25, p. 10. Petitioner does not argue *Wilkinson* provides clearly established federal law applicable to his case. *See id.* As the parties agree *Wilkinson* is not directly applicable to this case, the Court will not discuss *Wilkinson*.

his defense; and (3) a written statement by the factfinder of the evidence relied on and the reasons for the disciplinary action." *Superintendent, Massachusetts Correctional Institution, Walpole v. Hill*, 472 U.S. 445, 454 (1985) (*citing Wolff*, 418 U.S. at 563-67). "Findings that result in the loss of liberty will satisfy due process if there is some evidence which supports the decisions of the disciplinary board." *Zimmerlee v. Keeney*, 831 F.2d 183, 186 (9th Cir. 1987).

In finding Petitioner's due process rights were not violated when the DOC sanctioned Petitioner with the loss of good conduct credits, the state supreme court, applying the factors outlined in *Wolff*, stated:

> A prison disciplinary decision is reviewed only to determine whether the decision was so arbitrary and capricious as to deny the inmate fundamentally fair proceedings. Prison discipline is not arbitrary and capricious if the inmate is afforded minimum due process protections, which include notice of the violation, an opportunity to present evidence and call witnesses when not unduly hazardous to prison safety and correctional goals, and a written statement of the evidence relied upon and the reasons for the disciplinary decision.
>
> The record provided indicated Mr. Stuhr was provided with minimal due process and that some evidence supports the infraction findings that Mr. Stuhr did not give urine samples when directed to do so. On July 29, 2013, a correctional officer requested that Mr. Stuhr provide a urine sample but he refused, stating he would not be able to do so because he suffers from shy bladder. On August 17, 2013, when a different correctional officer requested Mr. Stuhr provide a urine sample, Mr. Stuhr agreed and was given an eight-ounce glass of water and provided an hour, but did not produce a sample. After hearings, the Department of Corrections hearing officer found Mr. Stuhr had violated WAC 137-25-030(607) (refusing to submit to a urinalysis and/or failing to provide a urine sample within the allotted time frame when ordered to do so by a staff member) and imposed sanctions of loss of good conduct time.
>
> Mr. Stuhr contends that he suffers from "shy bladder" or "paruresis," a condition that interferes with a person's ability to urinate in front of other people, and that he told the hearing officer that medical records were available to support his contention, but that correctional staff did not timely locate the records. In support of his personal restraint petition Mr. Stuhr has produced the medical records he claims should have been located and considered at the hearing. But these records fail to provide contemporary medical support for his claim. His health status reports concerning a bladder issue were issued in 1997 and 1999, and do not indicate the shy bladder condition was permanent. To the contrary, the 1999

> health status report states "review in one year" and a letter accompanying the report notes that Mr. Stuhr was able to provide a urine specimen within the framework of a shy bladder protocol that provided additional time. Further, Mr. Stuhr makes no showing that he sought an updated evaluation in the intervening time. He shows only that a doctor recommended in January 2014 (about six months after the infraction date) that Mr. Stuhr be given an additional hour after drinking water before providing a urine sample.
>
> Mr. Stuhr fails to demonstrate that he was denied fundamentally fair proceedings and thus fails to present an arguable basis for relief in law or fact[.]

Dkt. 14, Exhibit 12, pp. 2-3 (internal citations and footnote omitted).

Petitioner asserts his due process rights were violated because specific medical records showing he suffered from "shy bladder" were not located prior to the disciplinary hearing. *See* Dkt. 19, 25. Petitioner does not allege he was unable to present documentary evidence at the hearing; rather, he contends medical evidence from 1997 to 1999, which he believes is relevant to the alleged infractions, was not located prior to the hearing. *See* Dkt. 19, 25. The evidence in question shows Plaintiff reported he had difficulties urinating in front of others in 1997, 1998, and 1999. *See* Dkt. 14, Exhibit 13, Appendix A & B. The doctors recommend shy bladder protocol, but, in 1999, noted it should be reviewed in a year. *Id.*

Petitioner does not state he requested the prison officials obtain these medical records prior to the hearing or request the hearing be postponed so he could obtain the records. *See* Dkt. 19, 25. He also does not contend he had the records in his possession, but was not allowed to present the documents at the disciplinary hearing. *See id.* Further, the record shows the medical department was contacted prior to the hearing and no records were found showing Petitioner suffered from a condition that would prevent him from providing a urine sample. *See* Dkt. 14, Exhibit 13 at Appendix C. Petitioner has not cited to, nor does the Court find, due process requires prison officials to locate evidence, which the prisoner did not request, prior to a disciplinary hearing. *See e.g. Soto v. Runnels*, 2002 WL 31236204, *2 (N.D. Cal. Oct. 2, 2002)

(finding due process does not require prison officials to locate witnesses for a prisoner to call during a disciplinary hearing).

As Petitioner has not shown his due process rights were violated when his good conduct credits were revoked, he has failed to show the state court's conclusion was contrary to, or an unreasonable application of, clearly established federal law. Accordingly, the Court concludes Ground 2 should be denied.

IV. Certificate of Appealability

A petitioner seeking post-conviction relief under 28 U.S.C. § 2254 may appeal a district court's dismissal of the federal habeas petition only after obtaining a certificate of appealability (COA) from a district or circuit judge. *See* 28 U.S.C. § 2253(c). "A certificate of appealability may issue . . . only if the [petitioner] has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). Petitioner satisfies this standard "by demonstrating that jurists of reason could disagree with the district court's resolution of his constitutional claims or that jurists could conclude the issues presented are adequate to deserve encouragement to proceed further." *Miller-El v. Cockrell*, 537 U.S. 322, 327 (2003) (*citing Slack v. McDaniel*, 529 U.S. 473, 484 (2000)).

No jurist of reason could disagree with this Court's evaluation of Petitioner's claims or would conclude the issues presented in the Amended Petition should proceed further. Therefore, the Court concludes Petitioner is not entitled to a certificate of appealability with respect to this Amended Petition.

V. Conclusion

For the above stated reasons, the Court recommends the Amended Petition be denied. No evidentiary hearing is necessary and a certificate of appealability should be denied.

Pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), the parties shall have fourteen (14) days from service of this Report to file written objections. *See also* Fed. R. Civ. P. 6. Failure to file objections will result in a waiver of those objections for purposes of de novo review by the district judge. *See* 28 U.S.C. § 636(b)(1)(C). Accommodating the time limit imposed by Fed. R. Civ. P. 72(b), the clerk is directed to set the matter for consideration on August 4, 2017, as noted in the caption.

Dated this 14th day of July, 2017.

David W. Christel
United States Magistrate Judge

APPENDIX D

The Ninth Circuit Court of Appeals Order Denying Reconsideration

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

MAR 13 2018

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

CLARK L. STUHR, Petitioner-Appellant, v. PAT GLEBE, Respondent-Appellee.	No. 17-35819 D.C. No. 3:16-cv-05833-BHS Western District of Washington, Tacoma ORDER

Before: CANBY and SILVERMAN, Circuit Judges.

The motion for reconsideration (Docket Entry No. 3) is denied. *See* 9th Cir. R. 27-10.

No further filings will be entertained in this closed case.