

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

FILED

AUG 29 2018

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

JOHN FRANKLIN KENNEY,

Petitioner-Appellant,

v.

P. D. BRAZELTON, Warden,

Respondent-Appellee.

No. 18-15077

D.C. No. 5:13-cv-02562-LHK  
Northern District of California,  
San Jose

ORDER

Before: FARRIS and LEAVY, Circuit Judges.

The request for a certificate of appealability (Docket Entry No. 7) is deemed timely filed. The request is denied. Appellant has not shown that “jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); *see also* 28 U.S.C. § 2253(c)(2); *Gonzalez v. Thaler*, 565 U.S. 134, 140-41 (2012); *Miller-El v. Cockrell*, 537 U.S. 322, 327 (2003).

Any pending motions are denied as moot.

**DENIED.**

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ORDER

Before: TROTT and MURGUIA, Circuit Judges.

The motion for reconsideration (Docket Entry No. 15) is denied. *See* 9th Cir. R. 27-10.

No further filings will be entertained in this closed case.