

UNITED STATES COURT OF APPEALS

FILED

FOR THE NINTH CIRCUIT

JAN 28 2019

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

MAXCIUM HERRING,

Petitioner-Appellant,

v.

L. S. McEWEN, Warden,

Respondent-Appellee.

No. 18-56298

D.C. No. 8:11-cv-00781-DMG  
Central District of California,  
Santa Ana

ORDER

Before: CANBY and GRABER, Circuit Judges.

The motion for reconsideration (Docket Entry No. 7) is denied. *See* 9th Cir.

R. 27-10.

No further filings will be entertained in this closed case.

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ORDER

Before: CALLAHAN and MURGUIA, Circuit Judges.

The request for a certificate of appealability (Docket Entry No. 2) is denied because 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); *Gonzalez v. Crosby*, 545 U.S. 524, 530-31 (2005); *Ortiz v. Stewart*, 195 F.3d 520, 520-21 (9th Cir. 1999).

Any pending motions are denied as moot.

**DENIED.**