

# **Appendix**

**FILED**

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

AUG 22 2019

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

MICHAEL BRIDGE, AKA Snake,

Petitioner-Appellant,

v.

UNITED STATES OF AMERICA,

Respondent-Appellee.

No. 17-56171

D.C. Nos. 2:16-cv-02959-TJH  
2:02-cr-00157-TJH-3

Central District of California,  
Los Angeles

ORDER

Before: SCHROEDER and PAEZ, Circuit Judges.

The request for a certificate of appealability (Docket Entry No. 6) is denied.

*See* 28 U.S.C. § 2253(c)(2); *United States v. Blackstone*, 903 F.3d 1020, 1027-28

(9th Cir. 2018), *cert. denied*, 139 S. Ct. 2762 (2019).

Any pending motions are denied as moot.

**DENIED.**

United States District Court  
Central District of California  
Western Division

MICHAEL BRIDGE,

Petitioner,

V.

UNITED STATES OF AMERICA,

## Respondent.

CV 16-02959 TJH  
CR 02-00157 TJH

# Order JS-6

The Court has considered Petitioner Michael Bridge's motion to vacate, set aside, or correct his sentence under 28 U.S.C. § 2255, as well as Respondent's motion to dismiss, together with the moving and opposing papers.

Petitioner challenged his sentence, contending that *Johnson v. United States*, 135 S. Ct. 2551 (2015), applied to the identically-worded “residual clause” in the career offender definition of a “crime of violence” in U.S.S.G. § 4B1.2(a)(2). On March 6, 2017, the Supreme Court issued its decision in *Beckles v. United States*, 137 S. Ct. 886 (2017), holding that the advisory Sentencing Guidelines are not subject to a due process vagueness challenge. 137 S. Ct. at 895. The Court held that unlike the Armed Career Criminal Act, which was subject to the Court’s decision in *Johnson*, the advisory

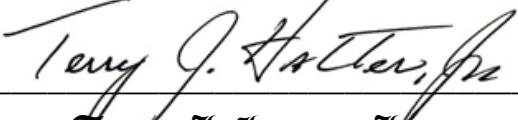
1 Guidelines “merely guide the exercise of a court’s discretion in choosing an appropriate  
2 sentence within the statutory range.” *Beckles*, 137 S. Ct. at 892. Indeed, on this basis,  
3 the Supreme Court held that § 4B1.2(a)(2) specifically was not void for vagueness.  
4 *Beckles*, 137 S. Ct. at 895. As a result, Petitioner’s motion is foreclosed by *Beckles*.

5  
6 Accordingly,

7  
8 **It is Ordered** that the motion to vacate, set aside, or correct his sentence under  
9 28 U.S.C. § 2255 be, and hereby is, **Denied**.

10  
11 **It is Further Ordered** that Respondent’s motion to dismiss be, and hereby is,  
12 **Denied** as moot.

13  
14 Date: July 31, 2017

15   
16 **Terry J. Hatter, Jr.**  
17 **Senior United States District Judge**

18 CC:BOP