

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

MAR 6 2020

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

DARIN DENIS PHILLIPS,

No. 20-55034

Petitioner-Appellant,

D.C. No. 5:19-cv-01772-CBM-SHK
Central District of California,
Riverside

v.

STUART SHERMAN, Warden,

ORDER

Respondent-Appellee.

Before: CANBY and CHRISTEN, Circuit Judges.

The request for a certificate of appealability 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); *Miller-El v. Cockrell*, 537 U.S. 322, 327 (2003).

Any pending motions are denied as moot.

DENIED.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

DARIN DENIS PHILLIPS,

Petitioner;

v

STUART SHERMAN, Warden,

Respondent.

Case No. 5:19-cv-01772-CBM (SHK)

**ORDER DENYING CERTIFICATE
OF APPEALABILITY**

Rule 11 of the Rules Governing Section 2254 Cases in the United States District Courts reads as follows: