

UNITED STATES COURT OF APPEALS

FILED

FOR THE NINTH CIRCUIT

MAR 6 2020

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

DARIN DENIS PHILLIPS,

Petitioner-Appellant,

v.

STUART SHERMAN, Warden,

Respondent-Appellee.

No. 20-55034

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

ORDER

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.

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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
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11 DARIN DENIS PHILLIPS,
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13 Petitioner,
14 v.
15 STUART SHERMAN, Warden,
16 Respondent.
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Case No. 5:19-cv-01772-CBM (SHK)

ORDER DENYING CERTIFICATE
OF APPEALABILITY

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

20 (a) **Certificate of Appealability.** The district court must
21 issue or deny a certificate of appealability when it enters a final order
22 adverse to the applicant. Before entering the final order, the court may
23 direct the parties to submit arguments on whether a certificate should
24 issue. If the court issues a certificate, the court must state the specific
25 issue or issues that satisfy the showing required by 28 U.S.C.
26 § 2253(c)(2). If the court denies a certificate, the parties may not appeal
27 the denial but may seek a certificate from the court of appeals under
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