

# EXHIBIT A

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

FILED

FEB 12 2020

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

THANKSIEKY PHUONG,

Petitioner-Appellant,

v.

RICK HILL, Warden,

Respondent-Appellee.

No. 19-55394

D.C. No. 2:18-cv-03957-CJC-KES  
Central District of California,  
Los Angeles

ORDER

Before: LEAVY and MILLER, 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).

Any pending motions are denied as moot.

**DENIED.**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

11 THANKSIEKY PHUONG,  
12 Petitioner,  
13 v.  
14 RICK HILL,  
15 Respondent.

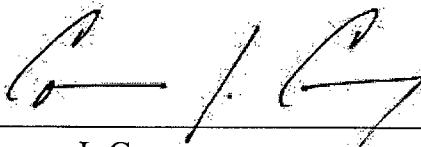
Case No. 2:18-cv-03957-CJC-KES

ORDER ACCEPTING REPORT AND  
RECOMMENDATION OF UNITED  
STATES MAGISTRATE JUDGE

17 Pursuant to 28 U.S.C. § 636, the Court has reviewed the First Amended  
18 Petition (Dkt. 17), the other records on file herein, and the Report and  
19 Recommendation of the United States Magistrate Judge (Dkt. 20). Further, the  
20 Court has engaged in a de novo review of those portions of the Report and  
21 Recommendation to which objections (Dkt. 23) have been made. The Court  
22 accepts the report, findings, and recommendations of the Magistrate Judge.

23 IT IS THEREFORE ORDERED that Judgment be entered dismissing the  
24 First Amended Petition as untimely.

25  
26 DATED: February 25, 2019  
27  
28

  
Cormac J. Carney  
UNITED STATES DISTRICT JUDGE

1  
2 JS-6  
3  
4  
5  
6  
7  
8  
9  
10

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

11 THANKSIEKY PHUONG,  
12 Petitioner,  
13 v.  
14 RICK HILL, Warden,  
15 Respondent.

Case No. 2:18-cv-03957-CJC (KES)

**JUDGMENT**

17  
18 Pursuant to the Court's Order Accepting Report and Recommendation of the  
19 United States Magistrate Judge,

20 IT IS ADJUDGED that the First Amended Petition is dismissed as untimely  
21 with prejudice.

22  
23 DATED: February 25, 2019

24  
25  
26 Cormac J. Carney  
27  
28 UNITED STATES DISTRICT JUDGE

