

FILED

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

DEC 23 2019

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

CHARLES T. KIRVIN, AKA Charles
Terrell Kirvin,

Petitioner-Appellant,

v.

PEOPLE OF THE STATE OF
CALIFORNIA; XAVIER CANO, Warden,

Respondents-Appellees.

No. 19-55921

D.C. No. 2:16-cv-03387-AG-LAL
Central District of California,
Los Angeles

ORDER

Before: TALLMAN and NGUYEN, Circuit Judges.

The request for a certificate of appealability (Docket Entry Nos. 2, 3, and 5) is denied because the underlying 28 U.S.C. § 2254 petition fails to state any federal constitutional claims debatable among jurists of reason. *See* 28 U.S.C. § 2253(c)(2)-(3); *Gonzalez v. Thaler*, 565 U.S. 134, 140-41 (2012) (“When ... the district court denies relief on procedural grounds, the petitioner seeking a COA must show both ‘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.’”) (quoting *Slack v. McDaniel*, 529 U.S. 473, 484 (2000)).

Any pending motions are denied as moot.

DENIED.