

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

JUL 13 2020

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

TRACEY GODFREY,

Petitioner-Appellant,

v.

LYNN GUYER; NEF-MSP,

Respondents-Appellees.

No. 20-35518

D.C. No. 9:20-cv-00020-DLC-KLD
District of Montana, Missoula

ORDER

Before: SILVERMAN and COLLINS, Circuit Judges.

The requests for a certificate of appealability (Docket Entry Nos. 2, 3 and 11) are 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.

FILED

MAR 05 2020

Clerk, U.S. District Court
District Of Montana
Missoula

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION**

TRACEY GODFREY,

Petitioner,

vs.

LYNN GUYER,

Respondent.

Cause No. CV 20-20-M-DLC

**ORDER DISMISSING PETITION
AND DENYING CERTIFICATE OF
APPEALABILITY**

Petitioner, a state prisoner proceeding pro se, has filed yet another habeas petition seeking to challenge a 60-year state sentence imposed in 2013.¹ This time, Godfrey claims his sentence violates the Fifth Amendment's double jeopardy provision. (Doc. 1 at 1.)

¹ See, *Godfrey v. Kirkegard*, No. CV 14-27-M-DLC (D. Mont. May 5, 2014)(denying petition for lack of merit); *Godfrey v. Kirkegard*, No. CV 14-164-M-DLC (D. Mont. June 12, 2014)(petition dismissed for lack of jurisdiction); *Godfrey v. Kirkegard*, No. CV 14-190-M-DLC (D. Mont. June 20, 2014)(petition dismissed for lack of jurisdiction); *Godfrey v. Montana*, No. CV 16-04-M-DLC (D. Mont. Jan. 19, 2016) (petition dismissed); *Godfrey v. Guyer*, No. CV 19-54-M-DLC (D. Mont. April 11, 2019) (petition dismissed for lack of jurisdiction as an unauthorized second/successive petition); *Godfrey v. State*, No. CV-19-69-M (D. Mont. April 22, 2019) (dismissed for lack of jurisdiction); *Godfrey v. Guyer*, No. CV-19-86-M-DLC (D. Mont. May 13, 2019) (dismissed for lack of jurisdiction); *Godfrey v. Guyer*, No. CV-19-202-M-DLC (D. Mont. Jan. 2, 2020) (dismissed for lack of jurisdiction).