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APPENDIX

[FILED AUG. 18, 2020]

UNITED STATE COURT OF APPEALS  
FOR THE NINTH CIRCUIT

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No. 19-55822

D.C. No. 5:18-LV-02373-DSF-KS

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UNITED STATES OF AMERICA,  
PLAINTIFF - APPELLEE,

V.

LEWIS ANDERSON,  
DEFENDANT - APPELLANT.

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No. 19-55822

D.C. No. 5:18-LV-02373-DSF-KS

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UNITED STATES OF AMERICA,  
PLAINTIFF - APPELLEE,

V.

LEWIS ANDERSON,  
DEFENDANT - APPELLANT.

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Lewis Anderson, #P-97405  
CSP - CALIFORNIA STATE PRISON (LOS ANGELES COUNTY)  
P.O. Box 8457  
Lancaster, CA 93539-8457

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UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

FILED

AUG 18 2020

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

LEWIS ANDERSON,

Petitioner-Appellant,

v.

PEOPLE OF THE STATE OF  
CALIFORNIA,

Respondent-Appellee.

No. 19-55822

D.C. No. 5:18-cv-02373-DSF-KS  
Central District of California,  
Riverside

ORDER

Before: SCHROEDER and GRABER, Circuit Judges.

This appeal is from the denial of appellant's 28 U.S.C. § 2254 petition and subsequent Federal Rule of Civil Procedure 60(b) motion. The request for a certificate of appealability (Docket Entry No. 2) 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); *United States v. Winkles*, 795 F.3d 1134, 1143 (9th Cir. 2015); *Lynch v. Blodgett*, 999 F.2d 401, 403 (9th Cir. 1993) (order).

Any pending motions are denied as moot.

**DENIED.**

## UNITED STATES COURT OF APPEALS

FILED

FOR THE NINTH CIRCUIT

JUL 29 2019

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

LEWIS ANDERSON,

No. 19-55822

Petitioner-Appellant,

D.C. No. 5:18-cv-02373-DSF-KS  
Central District of California,  
Riverside

v.

ORDER

THE PEOPLE OF THE STATE OF  
CALIFORNIA,

Respondent-Appellee.

This appeal was filed while a timely Fed. R. App. P. 4(a)(4) motion was pending in the district court. The notice of appeal is therefore ineffective, *see* Fed. R. App. P. 4(a)(4), and proceedings in this court will be stayed until the district court decides the July 12, 2019, motion (which was deposited for mailing in the prison's internal mail system on July 8, 2019). *See Leader Nat'l Ins. Co. v. Industrial Indemnity Ins. Co.*, 19 F.3d 444 (9th Cir. 1994).

Within 21 days after the district court's decision, appellant must notify this court in writing of the decision and state whether he wishes to move forward with this appeal.

To challenge the decision on the post-judgment motion, appellant must file an amended notice of appeal within the time set by Federal Rule of Appellate Procedure 4. *See* Fed. R. App. P. 4(a)(4). ☐

A copy of this order will be sent to the district court.

FOR THE COURT:

MOLLY C. DWYER  
CLERK OF COURT

By: Karen M. Burton  
Deputy Clerk  
Ninth Circuit Rule 27-7

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**LEWIS ANDERSON,** ) **NO. EDCV 18-2373-DSF (KS)**  
 )  
 **Petitioner,** )  
 )  
 **v.** ) **ORDER ACCEPTING FINDINGS AND**  
 ) **RECOMMENDATIONS OF UNITED**  
 ) **STATES MAGISTRATE JUDGE**  
 **THE PEOPLE OF THE STATE OF** )  
 **CALIFORNIA,** )  
 )  
 **Respondent.** )  
 )

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Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition for Writ of Habeas Corpus (“Petition”), the Motion to Dismiss (“Motion”) and related briefing, the Report and Recommendation of United States Magistrate Judge (“Report”), and Petitioner’s two responses to the Report: the “Objections” he filed on April 22, 2019 (Dkt. No. 26); and the Motion for Expedited Court Order Instructing the Clerk of the Court to File the 12(b)(6) or 12(c) Motion for Insufficient Process of Petitioner’s Federal and Constitutional Evidence of Actual Innocence (Dkt. No. 27).

Pursuant to 28 U.S.C. § 636(b)(1)(C) and Fed. R. Civ. P. 72(b), the Court has conducted a *de novo* review of those portions of the Report to which objections have been stated. Having

1 completed its review, the Court accepts the findings and recommendations set forth in the  
2 Report.  
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4 Accordingly, IT IS ORDERED that: (1) the Motion is GRANTED; (2) the Petition is  
5 DENIED; and (3) Judgment shall be entered dismissing this action with prejudice.  
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7 Date: June 11, 2019  
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Dale S. Fischer  
United States District Judge  
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8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**

10 **LEWIS ANDERSON,** ) **NO. EDCV 18-2373-DSF (KS)**  
11 **Petitioner,** )  
12 **v.** ) **JUDGMENT**  
13 )  
14 **THE PEOPLE OF THE STATE OF** )  
15 **CALIFORNIA,** )  
16 **Respondent.** )  
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18 Pursuant to the Court's Order Accepting Findings and Recommendations of United  
19 States Magistrate Judge,  
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21 IT IS ADJUDGED that this action is dismissed with prejudice.  
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23 Date: June 11, 2019  
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26 Dale S. Fischer  
27 United States District Judge  
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**Additional material  
from this filing is  
available in the  
Clerk's Office.**