

Appendix A.

General Docket for United States Court of Appeals
for the Ninth Circuit (“USCA”) Case # **18-35416**, page 1-3.
Docket Entries 7 and 8, preceded by Dkt. Ents. 2, 5, and 6.
Denial of COA, and Motion for Rehearing, pages 2-3.
(March 18, 2019)

General Docket
United States Court of Appeals for the Ninth Circuit

Court of Appeals Docket #: 18-35416

Docketed: 05/16/2018

Nature of Suit: 3530 Habeas Corpus

Termed: 08/03/2018

Ivar Voits v. N. Nooth

Appeal From: U.S. District Court for Oregon, Portland

Fee Status: Due

Case Type Information:

- 1) prisoner
- 2) state
- 3) 2254 habeas corpus

Originating Court Information:

District: 0979-3 : 3:08-cv-00232-AC

Trial Judge: Marco A. Hernandez, District Judge

Date Filed: 02/25/2008

Date Order/Judgment:	Date Order/Judgment EOD:	Date NOA Filed:	Date Rec'd COA:
04/25/2018	04/25/2018	05/15/2018	05/15/2018

Prior Cases:

<u>14-35219</u> Judge Order	Date Filed: 03/21/2014	Date Disposed: 07/11/2014	Disposition: COA Denied -
<u>15-35511</u> Judge Order	Date Filed: 06/19/2015	Date Disposed: 12/07/2015	Disposition: COA Denied -
<u>16-71619</u> Petition Denied - Judge Order	Date Filed: 05/23/2016	Date Disposed: 11/01/2016	Disposition: Second
<u>17-35655</u> Judge Order	Date Filed: 08/15/2017	Date Disposed: 10/04/2017	Disposition: COA Denied -
<u>18-35069</u> Judge Order	Date Filed: 01/29/2018	Date Disposed: 02/22/2018	Disposition: COA Denied -

Current Cases:

None

IVAR VOITS (State Prisoner: 13183612)
 Petitioner - Appellant,

Ivar Voits
 [NTC Pro Se]
 SRCI - SNAKE RIVER CORRECTIONAL
 INSTITUTION (ONTARIO)
 777 Stanton Boulevard

Appendix A

Ontario, OR 97914-0595

v.

N. NOOTH, Superintendent, SRCI
Respondent - Appellee,

Kristen Boyd, Assistant Attorney General
[COR NTC Dep State Aty Gen]
Oregon Department of Justice
1162 Court Street N.E.
Salem, OR 97301

IVAR VOITS,

Petitioner - Appellant,

v.

N. NOOTH, Superintendent, SRCI,
Respondent - Appellee.

05/16/2018 1 Open 9th Circuit docket: needs certificate of appealability. Date COA denied in DC: 04/25/2018. Record on appeal included: Yes. [10874085] (JBS) [Entered: 05/16/2018 09:41 AM]

08/03/2018 2 Filed order (MARY M. SCHROEDER and ANDREW D. HURWITZ) The request for a certificate of appealability is denied because appellant has not shown "that (1) jurists of reason would find it debatable whether the district court abused its discretion in denying the Rule 60(b) motion and, (2) jurists of reason would find it debatable whether the underlying section [2254 petition] states a valid claim of the denial of a constitutional right." United States v. Winkles, 795 F.3d 1134, 1143 (9th Cir. 2015), cert. denied, 136 S. Ct. 2462 (2016); see also 28 U.S.C. § 2253(c) (2); Slack v. McDaniel, 529 U.S. 473, 484 (2000); Lynch v. Blodgett, 999 F.2d 401, 403 (9th Cir. 1993) (order). Any pending motions are denied as moot. DENIED. [10965684] (JBS) [Entered: 08/03/2018 01:47 PM]

08/31/2018 3 Filed Appellant Ivar Voits EMERGENCY motion to reconsider Panel order of the Court filed on 08/03/2018. Deficiencies: Case closed. Served on 08/24/2018. [10998249] (QDL) [Entered: 08/31/2018 03:52 PM]

10/10/2018 4 Filed order (MARSHA S. BERZON and SANDRA S. IKUTA) Appellant's motion to extend time (Docket Entry No. [3]) is granted. Any motion for reconsideration is due by February 4, 2019. [11041328] (HC) [Entered: 10/10/2018 12:49 PM]

10/12/2018 5 Filed Appellant Ivar Voits motion to reconsider Panel order of the Court filed on 08/03/2018, captioned as petition for rehearing. Deficiencies: None. Served on 10/05/2018..[11046280].(CW).[Entered:-10/15/2018.09:01-AM]

10/12/2018 6 Filed Appellant Ivar Voits 2nd motion to reconsider Panel order of the Court filed

App. A - 2

on 08/03/2018, captioned as petition for rehearing or rehearing en banc. Deficiencies: None. Served on 10/05/2018. [11046287] (CW) [Entered: 10/15/2018 09:03 AM]

11/16/2018 7 Filed order (EDWARD LEAVY and BARRY G. SILVERMAN): Appellant has filed a petition for rehearing and petition for rehearing en banc (Docket Entry Nos. [5] and [6]), which is construed as a combined motion for reconsideration and motion for reconsideration en banc. The motion for reconsideration is denied and the motion for reconsideration en banc is denied on behalf of the court. See 9th Cir. R. 27-10; 9th Cir. Gen. Ord. 6.11. No further filings will be entertained in this closed case. [11090414] (AF) [Entered: 11/16/2018 10:50 AM]

12/03/2018 8 Filed Appellant Ivar Voits motion to reconsider Panel order of the Court filed on 11/16/2018. Deficiencies: NO FILE. Served on 11/29/2018. [11108707] (CW) [Entered: 12/04/2018 11:07 AM]

App. A-3

Appendix B.

United States District Court for the District of Oregon,
Portland Division (“USDC”), USDC ECF Case
Document Number 128(“[128]”);
Notice of Electronic Filing re Order of Denial from
USCA Case # 18-35069, re Notice of Appeal [124].
(April 1, 2018).

From: info@ord.uscourts.gov
Sent: Monday, April 02, 2018 8:34 AM
To: nobody@ord.uscourts.gov
Subject: Activity in Case 3:08-cv-00232-AC Voits v. Nooth USCA Order

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

NOTE TO PUBLIC ACCESS USERS Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

U.S. District Court

District of Oregon

Notice of Electronic Filing

The following transaction was entered on 4/2/2018 at 7:33 AM PDT and filed on 4/2/2018

Case Name: Voits v. Nooth
Case Number: 3:08-cv-00232-AC
Filer:
WARNING: CASE CLOSED on 02/19/2014
Document Number: 128

Docket Text:

Order from USCA for the 9th Circuit, USCA # 18-35069 re Notice of Appeal [124]. Appellant's motion for appointment of counsel (Docket Entry No. 4) is denied. Appellant's filings received on March 13, 2018, and March 15, 2018 (Docket Entry Nos. 6 and 7), are construed as a combined motion for reconsideration and motion for reconsideration en banc. The motion for reconsideration is denied and the motion for reconsideration en banc is denied on behalf of the court. See 9th Cir. R. 27-10; 9th Cir. Gen. Ord. 6.11. No further filings will be entertained in this closed case. **PRINT NEF ONLY**(Ivar Voits, Prisoner ID: 13183612) (jtj)

3:08-cv-00232-AC Notice has been electronically mailed to:

Ivar Voits SRCI_EFiling@doc.state.or.us

Kristen E. Boyd kristen.e.boyd@doj.state.or.us, linda.reid@state.or.us

3:08-cv-00232-AC Notice will not be electronically mailed to:

The following document(s) are associated with this transaction:

1
Rec. 4-3-18 Tu. 29 '15 115 Pess. 114 L.L.6.
Appendix B

Appendix C.

USDC ECF Case Document Number [132] in USDC Case # 3:08-cv-00232-AC. Order of USDC Judge—DENIED: COA; Motion for Reconsideration of Judgment [129]; and Appointment of Counsel [131].
(April 25, 2018).

1/25/18 3:05 PM

From: info@ord.uscourts.gov
Sent: Wednesday, April 25, 2018 3:05 PM
To: nobody@ord.uscourts.gov
Subject: Activity in Case 3:08-cv-00232-AC Voits v. Nooth Order on motion for reconsideration
Categories: Yellow Category

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NOTE TO PUBLIC ACCESS USERS Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

U.S. District Court

District of Oregon

Notice of Electronic Filing

The following transaction was entered on 4/25/2018 at 2:05 PM PDT and filed on 4/25/2018

Case Name: Voits v. Nooth

Case Number: 3:08-cv-00232-AC

Filer:

WARNING: CASE CLOSED on 02/19/2014

Document Number: 132 (No document attached)

Docket Text:

ORDER: The Court DENIES Petitioner's Motion for Reconsideration of Judgment [12] as Petitioner has not established "extraordinary circumstances" required under Fed. R. Civ. P. 60. Petitioner reiterates the arguments previously rejected by this Court and by the Ninth Circuit Court of Appeals. The Court further DENIES Petitioner's Motion for Appointment of Counsel [131] on the basis that Petitioner has not demonstrated that the interests of justice so require the appointment of counsel in this action. See 18 U.S.C. § 3006A(a)(2)(B). Because Petitioner has not made a substantial showing of the denial of a constitutional right in connection with his Motion, a certificate of appealability is DENIED. See 28 U.S.C. § 2253(c)(2). Ordered by Judge Marco A. Hernandez. **PRINT NEF ONLY** (Ivar Voits, Prisoner ID: 13183612) (ps1)

3:08-cv-00232-AC Notice has been electronically mailed to:

Ivar Voits SRCI_EFiling@doc.state.or.us

Kristen E. Boyd kristen.e.boyd@doj.state.or.us, linda.reid@state.or.us

→ Rec. 4-26-18 TL 2 10th call rescheduled

Appendix C

Appendix D.

USDC ECF Case Document Number [135]--Notice of
Electronic Filing re USCA Order in USCA Case
18-35416, re Notice of Appeal [133]; COA DENIED
(*see*, App. A, Dkt. Ent. 2, 8/03/2018).
(August 6, 2018).

From: info@ord.uscourts.gov
Sent: Monday, August 06, 2018 10:01 AM
To: nobody@ord.uscourts.gov
Subject: Activity in Case 3:08-cv-00232-AC Voits v. Nooth Order of Dismissal of Appeal by USCA

Categories: C3 USDC NEF

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U.S. District Court

District of Oregon

Notice of Electronic Filing

The following transaction was entered on 8/6/2018 at 9:01 AM PDT and filed on 8/6/2018

Case Name: Voits v. Nooth

Case Number: 3:08-cv-00232-AC

Filer:

WARNING: CASE CLOSED on 02/19/2014

Document Number: 135

Docket Text:

Order of USCA for the 9th Circuit, USCA # 18-35416, re Notice of Appeal [133]. The request for a certificate of appealability is denied because appellant has not shown "that (1) jurists of reason would find it debatable whether the district court abused its discretion in denying the Rule 60(b) motion and, (2) jurists of reason would find it debatable whether the underlying section [2254 petition] states a valid claim of the denial of a constitutional right." United States v. Winkles, 795 F.3d 1134, 1143 (9th Cir. 2015), cert. denied, 136 S. Ct. 2462 (2016); see also 28 U.S.C. § 2253(c)(2); Slack v. McDaniel, 529 U.S. 473, 484 (2000); Lynch v. Blodgett, 999 F.2d 401, 403 (9th Cir. 1993) (order). Any pending motions are denied as moot. DENIED. **1
PAGE(S), PRINT ALL** (Ivar Voits, Prisoner ID: 13183612) (jtj)

3:08-cv-00232-AC Notice has been electronically mailed to:

Ivar Voits SRCI_EFiling@doc.state.or.us

Kristen E. Boyd kristen.e.boyd@doj.state.or.us, linda.reid@state.or.us

3:08-cv-00232-AC Notice will not be electronically mailed to:

Appendix E.

USDC ECF Case Doc. No. [136]--Entered 10/11/2018.
Notice of Electronic Filing re USCA Order in USCA
Case # **18-35416** re Notice of Appeal [133]
(*see*, App. A, Dkt. Ent. 2, 8/03/2018).
(October 11, 2018).

U.S. District Court

District of Oregon

Notice of Electronic Filing

The following transaction was entered on 10/11/2018 at 7:54 AM PDT and filed on 10/11/2018

Case Name: Voits v. Nooth

Case Number: 3:08-cv-00232-AC

Filer:

WARNING: CASE CLOSED on 02/19/2014

Document Number: 136

Docket Text:

Order from USCA for the 9th Circuit, USCA # 18-35416 re Notice of Appeal, [133].

****1 PAGE(S), PRINT ALL** (Ivar Voits, Prisoner ID: 13183612) (jtj)**

3:08-cv-00232-AC Notice has been electronically mailed to:

Ivar Voits SRCI_EFiling@doc.state.or.us

Kristen E. Boyd kristen.e.boyd@doj.state.or.us, linda.reid@state.or.us

3:08-cv-00232-AC Notice will not be electronically mailed to:

The following document(s) are associated with this transaction:

Document description: Main Document

Original filename: Not Available

Electronic document Stamp:

[STAMP ordStamp_ID=875559790 [Date=10/11/2018] [FileNumber=6365647-0]
[173af1ec2c1e76c23a8e39039b82fabe1caeacd3851df4968afde959f72fb66b92fe8
19629f3d9e6c47b74c1501f05364081710e79afae6329285dcba3684d2]]

Appendix E.

→ REC. 10-16-18 Fac. 27⁵⁰ am Rochester. 1/2 p

Appendix F.

USCA Case # **18-35416**, Dkt. Ent. 4 (USDC [136])--Order, USCA Granting *Pro Se* Appellant Ivar Voits' Emergency Motion for Extension of Time ("MOET")--Filed 08/31/2018 (App. A, at p. 2, Dkt. Ent. 3)--to File Timely Motion to Reconsider USCA Panel's Denial Order of COA; Evidentiary Hearing, in Case # **18-35416**, filed on 08/03/2018 (*see*, App. A, at p. 2, Dkt. Ent. 2, App. G below)--Re Voits' Inability to Proceed in a Timely Manner Due to Sudden Unexpected Onset of Life Threatening Cancer, Requiring Surgery/Chemo On-going Treatment. (Oct. 10, 2018).

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

OCT 10 2018

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

IVAR VOITS,

Petitioner-Appellant,

v.

N. NOOTH, Superintendent, SRCI,

Respondent-Appellee.

No. 18-35416

D.C. No. 3:08-cv-00232-AC
District of Oregon,
Portland

ORDER

Before: BERZON and IKUTA, Circuit Judges.

Appellant's motion to extend time (Docket Entry No. 3) is granted. Any motion for reconsideration is due by February 4, 2019.

Appendix F

→ 10-16-18 Tues. 2 7:50 am Rochester 2/27

Appendix G.

USCA Case # **18-35416**, Dkt. Ent. 2, (*see* App. A, at page 2), (USDC ECF [136])--Order, USCA Denying COA and an Evidentiary Hearing.

(Aug. 03, 2018).

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

AUG 3 2018

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

IVAR VOITS,

Petitioner-Appellant,

v.

N. NOOTH, Superintendent, SRCI,

Respondent-Appellee.

No. 18-35416

D.C. No. 3:08-cv-00232-AC
District of Oregon,
Portland

ORDER

Before: SCHROEDER and HURWITZ, Circuit Judges.

The request for a certificate of appealability is denied because appellant has not shown “that (1) jurists of reason would find it debatable whether the district court abused its discretion in denying the Rule 60(b) motion and, (2) jurists of reason would find it debatable whether the underlying section [2254 petition] states a valid claim of the denial of a constitutional right.” *United States v. Winkles*, 795 F.3d 1134, 1143 (9th Cir. 2015), *cert. denied*, 136 S. Ct. 2462 (2016); *see also* 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); *Lynch v. Blodgett*, 999 F.2d 401, 403 (9th Cir. 1993) (order).

Any pending motions are denied as moot.

DENIED.

Appendix G.

**Additional material
from this filing is
available in the
Clerk's Office.**