

Appendix

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

SEP 15 2021

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

SLOAN PATRICK STANLEY,

Petitioner-Appellant,

v.

JEFFERY UTTECHT,

Respondent-Appellee.

No. 21-35389

D.C. No. 3:20-cv-05399-JCC
Western District of Washington,
Tacoma

ORDER

Before: WARDLAW and BADE, Circuit Judges.

Appellant's request for leave to file an oversized request for certificate of appealability (Docket Entry No. 2) is granted.

The request for a certificate of appealability (Docket Entry No. 3) 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.

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Western District of Washington,
Tacoma

ORDER

Before: BERZON and RAWLINSON, Circuit Judges.

Appellant's motion for reconsideration en banc (Docket Entry No. 5) 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.