

FILED

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FEB 10 2022

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

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

MICHAEL JAY STEWART, AKA Michael
J. Stewart, AKA Mike Stewart,

Defendant-Appellant.

No. 20-55976

D.C. Nos. 8:19-cv-00893-CJC
8:14-cr-00014-CJC-1

Central District of California,
Santa Ana

ORDER

Before: S.R. THOMAS and R. NELSON, Circuit Judges.

Appellant has filed a combined motion for reconsideration and motion for reconsideration en banc (Docket Entry Nos. 13 & 14).

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.

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ORDER

Before: CLIFTON and BENNETT, Circuit Judges.

Appellant's opening brief and its errata (Docket Entry Nos. 9 & 10) are construed as a request for a certificate of appealability. So construed, the request for a certificate of appealability is denied because appellant has not shown that "jurists of reason would find it debatable whether the [section 2255 motion] 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).

Any pending motions are denied as moot.

DENIED.