

**United States Court of Appeals**  
***For The Eighth Circuit***  
Thomas F. Eagleton U.S. Courthouse  
111 South 10th Street, Room 24.329  
**St. Louis, Missouri 63102**

**Michael E. Gans**  
*Clerk of Court*

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January 21, 2022

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RE: 20-3529 Johnny Johnson v. Paul Blair

Dear Counsel:

Enclosed is a copy of the dispositive order in the referenced appeal. Please note that FRAP 40 of the Federal Rules of Appellate Procedure requires any petition for rehearing to be filed within 14 days after entry of judgment. Counsel-filed petitions must be filed electronically in CM/ECF. Paper copies are not required. This court strictly enforces the 14 day period. **No grace period for mailing is granted** for pro-se-filed petitions. A petition for rehearing or a motion for an extension of time must be filed with the Clerk's office within the 14 day period.

Michael E. Gans  
Clerk of Court

MVP

Enclosure(s)

cc: Mr. Gregory Michael Goodwin  
Mr. Stephen David Hawke  
Mr. Johnny A. Johnson  
Mr. Gregory J. Linhares

District Court/Agency Case Number(s): 4:13-cv-00278-HEA

**UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT**

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No: 20-3529

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Johnny A. Johnson

Petitioner - Appellant

v.

Paul Blair

Respondent - Appellee

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Appeal from U.S. District Court for the Eastern District of Missouri - St. Louis  
(4:13-cv-00278-HEA)

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**JUDGMENT**

Before KELLY, ERICKSON, and GRASZ, Circuit Judges.

Respondent's motion to file an overlength response to the application for a certificate of appealability is granted.

The court has carefully reviewed the original file of the district court and the parties' submissions, and the application for a certificate of appealability is denied.

Judge Kelly would grant a certificate of appealability on whether *Wiggins v. Smith*, 539 U.S. 510 (2003), and *Porter v. McCollum*, 558 US. 30 (2009), anticipate an aggregate, rather than a piecemeal, approach to a claim of ineffective assistance of counsel for failure to investigate and present mitigating circumstances at the penalty phase.

The appeal is dismissed.

January 21, 2022

Order Entered at the Direction of the Court:  
Clerk, U.S. Court of Appeals, Eighth Circuit.

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/s/ Michael E. Gans