

UNITED STATES COURT OF APPEALS

FILED

FOR THE NINTH CIRCUIT

MAR 29 2022

UNITED STATES OF AMERICA,

Plaintiff-Appellee,
v.

MARK RYAN SHIPLEY, AKA Marc R.
Shipley, AKA Marc Ryan Shipley,

Defendant-Appellant.

No. 20-17303

D.C. Nos. 4:20-cv-00268-DCB
4:16-cr-01061-DCB-JR-1

District of Arizona,
Tucson

ORDER

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

Before: CALLAHAN and MILLER, Circuit Judges.

This appeal is from the denial of appellant's 28 U.S.C. § 2255 motion and subsequent Federal Rule of Civil Procedure 59(e) motion.

Appellant's opening brief (Docket Entry No. 12) is construed as a request for a certificate of appealability and 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); *United States v. Winkles*, 795 F.3d 1134, 1143 (9th Cir. 2015).

Any pending motions are denied as moot.

DENIED.

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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**

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9 Marc Ryan Shipley, NO. CV-20-00268-TUC-DCB
10 Petitioner, CR 16-01061-TUC-DCB (JR)
11 v. **JUDGMENT**
12 United States of America,
13 Respondent.
14

15 **Decision by Court.** This action came for consideration before the Court. The
16 issues have been considered and a decision has been rendered.

17 IT IS ORDERED AND ADJUDGED that in accordance with the Court's Order
18 filed November 3, 2020, movant's motion pursuant to 28 U.S.C. 2255 to vacate, set aside
19 or correct a sentence is denied and the civil action opened in connection is hereby
20 dismissed with prejudice.

21 Debra D. Lucas
22 District Court Executive/Clerk of Court
23

24 November 3, 2020
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27
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24 By s/ C. Ortiz
25 Deputy Clerk

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

APR 28 2022

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

MARK RYAN SHIPLEY, AKA Marc R.
Shipley, AKA Marc Ryan Shipley,

Petitioner-Appellant,

v.

UNITED STATES OF AMERICA,

Respondent-Appellee.

No. 20-17303

D.C. Nos. 4:20-cv-00268-DCB
4:16-cr-01061-DCB-JR-1

District of Arizona,
Tucson

ORDER

Before: GRABER and TALLMAN, Circuit Judges.

Appellant has filed a combined motion for reconsideration and motion for reconsideration en banc (Docket Entry No. 17). It is deemed timely filed.

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.

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