

APPENDICES

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

SEP 29 2022

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

MICHAEL WRIGHT,

Petitioner-Appellant,

v.

J. PICKETT,

Respondent-Appellee.

No. 21-16071

D.C. No. 3:20-cv-04095-VC
Northern District of California,
San Francisco

ORDER

Before: CLIFTON and VANDYKE, Circuit Judges.

The request for a certificate of appealability (Docket Entry No. 4) is denied because appellant has not made a “substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2); *see also Miller-El v. Cockrell*, 537 U.S. 322, 327 (2003).

Any pending motions are denied as moot.

DENIED.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL WRIGHT,
Petitioner,

v.

J PICKETT,
Respondent.

Case No. 20-cv-04095-VC (PR)

**ORDER DENYING PETITION FOR
WRIT OF HABEAS CORPUS;
DENYING CERTIFICATE OF
APPEALABILITY**

The habeas petition is denied. It was not objectively unreasonable for the state courts to conclude that Wright did not receive constitutionally ineffective assistance of counsel at trial or on appeal with respect to the applicable time frame for the challenged counts. It was not objectively unreasonable to conclude that he did not receive ineffective assistance for failure to challenge the sufficiency of the evidence on the elements of "force or fear" or the elements of "against the will" for counts one through ten. It was not objectively unreasonable to conclude that Wright did not receive ineffective assistance on appeal with respect to his claims of instructional error. A certificate of appealability will not issue. *See 28 U.S.C. § 2253(c).* This is not a case in which "reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). The Clerk shall enter judgment in favor of the respondent and close the file.

IT IS SO ORDERED.

Dated: May 28, 2021


VINCE CHHABRIA
United States District Judge

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

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OCT 27 2022

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

MICHAEL WRIGHT,

No. 21-16071

Petitioner-Appellant,

D.C. No. 3:20-cv-04095-VC
Northern District of California,
San Francisco

v.

J. PICKETT,

ORDER

Respondent-Appellee.

Before: SCHROEDER and BYBEE, Circuit Judges.

Appellant's motion for reconsideration en banc (Docket Entry No. 10) 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.