

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

FILED

JUN 10 2022

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

DON MITCHELL JUSTICE,

Petitioner-Appellant,

v.

BRAD CAIN, Superintendent, Snake River  
Correctional Institution,

Respondent-Appellee.

No. 21-36051

D.C. No. 2:17-cv-01963-AC  
District of Oregon,  
Pendleton

ORDER

Before: CANBY and OWENS, Circuit Judges.

The request for a certificate of appealability (Docket Entry No. 4) 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); *Miller-El v. Cockrell*, 537 U.S. 322, 327 (2003).

Any pending motions are denied as moot.

**DENIED.**