

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

MAR 29 2022

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

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

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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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.