

FILED

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

NOV 17 2023

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

CHRISTOPHER JAMES MICHELOTTI,

Petitioner-Appellant,

v.

ATTORNEY GENERAL FOR THE STATE
OF MONTANA,

Respondent-Appellee.

No. 23-35374

D.C. No. 1:20-cv-00188-SPW
District of Montana,
Billings

ORDER

Before: TASHIMA and SILVERMAN, Circuit Judges.

The request for a certificate of appealability is denied because the underlying 28 U.S.C. § 2254 petition fails to state any federal constitutional claims debatable among jurists of reason. *See* 28 U.S.C. § 2253(c)(2)-(3); *Gonzalez v. Thaler*, 565 U.S. 134, 140-41 (2012) (“When ... the district court denies relief on procedural grounds, the petitioner seeking a COA must show both ‘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.’”) (quoting *Slack v. McDaniel*, 529 U.S. 473, 484 (2000)).

Any pending motions are denied as moot.

DENIED.

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ORDER

Before: R. NELSON and COLLINS, Circuit Judges.

Appellant's notice of appeal (Docket Entry No. 4) is construed as a motion for reconsideration and is denied. *See* 9th Cir. R. 27-10.

No further filings will be entertained in this closed case.

UNITED STATES DISTRICT COURT
DISTRICT OF MONTANA
BILLINGS DIVISION

CHRISTOPHER JAMES
MICHELOTTI,

Petitioner,

JUDGMENT IN A CIVIL CASE

CV 20-188-BLG-SPW

vs.

ATTORNEY GENERAL OF THE
STATE OF MONTANA,

Respondent.

Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

X Decision by Court. This action came before the Court for bench trial, hearing, or determination on the record. A decision has been rendered.

IT IS ORDERED AND ADJUDGED that, pursuant to the Court's Order of May 17, 2023 (Doc. 20), judgment is entered in favor of Respondent and against Petitioner, and this action is DISMISSED.

Dated this 17th day of May, 2023.

TYLER P. GILMAN, CLERK

By: /s/ T. Gesh
T. Gesh, Deputy Clerk