

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

AUG 30 2023

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

DAVID JAMES LACK,

Petitioner-Appellant,

v.

MATTHEW RODRIGUEZ,

Respondent-Appellee.

No. 22-55583

D.C. No. 2:18-cv-02060-RGK-GJS  
Central District of California,  
Los Angeles

ORDER

Before: SCHROEDER and SANCHEZ, Circuit Judges.

The request for a certificate of appealability (Docket Entry No. 2) 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).

Any pending motions are denied as moot.

**DENIED.**