

FILED

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JUN 28 2024

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

ROBERT S. PIERCE,

Petitioner - Appellant,

v.

JIM SALMONSEN and ATTORNEY
GENERAL OF THE STATE OF
MONTANA,

Respondents - Appellees.

No. 23-4346

D.C. No. 2:19-cv-00058-BMM-KLD
District of Montana,
Butte

ORDER

Before: FRIEDLAND and MENDOZA, Circuit Judges.

The request for a certificate of appealability (Docket Entry No. 8) 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).

All pending motions are denied as moot.

DENIED.

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ORDER

Before: S.R. THOMAS and SILVERMAN, Circuit Judges.

Appellant has filed a combined motion for reconsideration and motion for reconsideration en banc (Docket Entry Nos. 13 and 14).

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.

UNITED STATES DISTRICT COURT
DISTRICT OF MONTANA
BUTTE DIVISION

ROBERT S. PIERCE,

Petitioner,

vs.

JIM SALMONSEN; ATTORNEY
GENERAL OF THE STATE
OF MONTANA,

Respondent.

Case No. CV-19-58 -BU-BMM

JUDGMENT IN A CIVIL CASE

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 Pursuant to Order (Doc. 52), this matter is DISMISSED.

Dated this 15th day of December 2023.

TYLER P. GILMAN, CLERK

By: /s/ H. G.
H. G., Deputy Clerk