

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

OCT 3 2017

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

VURNELL DOMINGO POLLARD,

Petitioner-Appellant,

v.

RAYMOND MADDEN,

Respondent-Appellee.

No. 17-55008

D.C. No. 2:15-cv-09487-JPR
Central District of California,
Los Angeles

ORDER

Before: O'SCANNLAIN and GOULD, Circuit Judges.

The request for a certificate of appealability (Docket Entry No. 5) is denied because appellant has not made a "substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2); *see also Miller-El v. Cockrell*, 537 U.S. 322, 327 (2003).

Any pending motions are denied as moot.

DENIED.

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7 UNITED STATES DISTRICT COURT
8 CENTRAL DISTRICT OF CALIFORNIA
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10 VURNELL DOMINGO POLLARD,) Case No. CV 15-9487-JPR
11)
12 Petitioner,)
13) ORDER DENYING A CERTIFICATE OF
14 v.) APPEALABILITY
15)
16 RAYMOND MADDEN,)
17)
18 Respondent.)
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16 Rule 11 of the Rules Governing § 2254 Cases in the U.S.
17 District Courts provides as follows:

18 (a) **Certificate of Appealability.** The district
19 court must issue or deny a certificate of appealability
20 when it enters a final order adverse to the applicant.
21 Before entering the final order, the court may direct the
22 parties to submit arguments on whether a certificate
23 should issue. If the court issues a certificate, the
24 court must state the specific issue or issues that
25 satisfy the showing required by 28 U.S.C. § 2253(c)(2).
26 If the court denies a certificate, a party may not appeal
27 the denial but may seek a certificate from the court of
28 appeals under Federal Rule of Appellate Procedure 22. A

1 motion to reconsider a denial does not extend the time to
2 appeal.

3 (b) **Time to Appeal.** Federal Rule of Appellate
4 Procedure 4(a) governs the time to appeal an order
5 entered under these rules. A timely notice of appeal
6 must be filed even if the district court issues a
7 certificate of appealability.

8 Under 28 U.S.C. § 2253(c)(2), a Certificate of Appealability
9 may issue "only if the applicant has made a substantial showing
10 of the denial of a constitutional right." This means that
11 "reasonable jurists could debate whether (or, for that matter,
12 agree that) the petition should have been resolved in a different
13 manner or that the issues presented were "'adequate to deserve
14 encouragement to proceed further.'" Slack v. McDaniel, 529 U.S.
15 473, 484 (2000) (citation omitted).

16 Here, Petitioner hasn't made the necessary showing as to any
17 of the claims in the Petition.

18 Accordingly, a Certificate of Appealability is denied.

19
20 DATED: November 30, 2016


JEAN ROSENBLUTH
U.S. MAGISTRATE JUDGE

CENTRAL DISTRICT OF CALIFORNIA

VURNELL DOMINGO POLLARD,

Petitioner,

V.

RAYMOND MADDEN,

Respondent.

Case No. CV 15-9487-JPR

J U D G M E N T

Pursuant to the Memorandum Decision and Order Denying Petition
for Writ of Habeas Corpus,

IT IS HEREBY ADJUDGED that this action is dismissed with prejudice.

DATED: November 30, 2016

JEAN ROSENBLUTH
U.S. MAGISTRATE JUDGE