

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

SEP 6 2017

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

PHILLIP MITCHELL,

Petitioner-Appellant,

v.

ATTORNEY GENERAL OF THE STATE
OF ARIZONA; et al.,

Respondents-Appellees.

No. 17-15437

D.C. No. 2:15-cv-02229-JAT
District of Arizona,
Phoenix

ORDER

Before: CALLAHAN and M. SMITH, Circuit Judges.

Appellant's motion for an extension of time to file a request for a certificate of appealability (Docket Entry No. 9) is granted. The request for a certificate of appealability filed on July 10, 2017, (Docket Entry No. 10) is deemed timely filed.

The request for a certificate of appealability 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.