26-5930

No._____

ORIGINAL

In The
Supreme Court of the United States

JULY TERM, 2026

FILED
JUL 16 2026
OFFICE OF THE CLERK
SUPREME COURT, U.S.

BRANDON LAMAR PRUITT,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

On Petition for a Writ of Certiorari to the
United States Court of Appeals for the Ninth Circuit

PETITION FOR A WRIT OF CERTIORARI

Brandon Lamar Pruitt
Reg. No. 53611-048
USP Tucson
P.O. Box 24550
Tucson, Arizona 85734
Pro Se Petitioner

QUESTION PRESENTED FOR REVIEW

Whether the Ninth Circuit erred in denying a certificate of appealability where Pruitt's plea-stage ineffective-assistance claims were substantial enough for the district court to appoint counsel and conduct an evidentiary hearing, and where reasonable jurists could debate whether trial counsel adequately advised Pruitt regarding sentencing exposure, plea options, and the consequences of proceeding to a second trial after the first jury failed to reach a verdict on the principal sex-offense counts.

PARTIES TO THE PROCEEDING

Brandon Lamar Pruitt was the Defendant-Movant in the United States District Court for the District of Nevada and the Appellant in the United States Court of Appeals for the Ninth Circuit.

The United States of America was the Plaintiff-Respondent in the United States District Court for the District of Nevada and the Appellee in the United States Court of Appeals for the Ninth Circuit.

TABLE OF CONTENTS

Question Presented for Review i

Parties to the Proceeding ii

Table of Contents iii

Appendix Table of Contents iv

Table of Authorities v

Petition for a Writ of Certiorari 1

Opinions Below 1

Jurisdiction 2

Constitutional and Statutory Provisions Involved 3

Statement of the Case 4

Reasons for Granting the Petition 12

Conclusion 18

APPENDIX TABLE OF CONTENTS

Appendix A: Order Denying Certificate of Appealability, *United States v. Pruitt, No. 25-6337 (9th Cir. Apr. 27, 2026)*

Appendix B: Order Denying Certificate of Appealability, *United States v. Pruitt, No. 2:16-cr-00285-APG-NJK (D. Nev. Nov. 24, 2025)*

Appendix C: Order Denying Motion to Vacate Sentence, *United States v. Pruitt, No. 2:16-cr-00285-APG-NJK, ECF No. 330 (D. Nev. Aug. 11, 2025)*

Appendix D: Order Denying in Part Motion to Vacate Sentence and Granting Evidentiary Hearing, United States v. Pruitt, No. 2:16-cr-00285-APG-NJK, ECF No. 296 (D. Nev. Oct. 25, 2023)

Appendix E: Memorandum Decision, *United States v. Pruitt, No. 19-10125, 839 F. App'x 90 (9th Cir. Dec. 16, 2020)*

TABLE OF AUTHORITIES

Cases

Buck v. Davis, *580 U.S. 100 (2017)* ..... passim

Hill v. Lockhart, *474 U.S. 52 (1985)* ..... passim

Hohn v. United States, *524 U.S. 236 (1998)* 2

Iaea v. Sunn, *800 F.2d 861 (9th Cir. 1986)* 14

Lafler v. Cooper, *566 U.S. 156 (2012)* ..... passim

Lambright v. Stewart, *220 F.3d 1022 (9th Cir. 2000)* 13

Lee v. United States, *582 U.S. 357 (2017)* 16

Miller-El v. Cockrell, *537 U.S. 322 (2003)* ..... passim

Missouri v. Frye, *566 U.S. 134 (2012)* ..... passim

Slack v. McDaniel, *529 U.S. 473 (2000)* ..... passim

Strickland v. Washington, *466 U.S. 668 (1984)* ..... passim

Tennard v. Dretke, *542 U.S. 274 (2004)* 13

Turner v. Calderon, *281 F.3d 851 (9th Cir. 2002)* 14

United States v. Davis, *428 F.3d 802 (9th Cir. 2005)* 14

United States v. Pruitt, *839 F. App'x 90 (9th Cir. 2020)* ..... passim

United States v. Winkles, *795 F.3d 1134 (9th Cir. 2015)* .....

Constitutional Provisions

U.S. Const. amend. VI .....

Statutes

18 U.S.C. § 1512 .....

18 U.S.C. § 1591 .....

18 U.S.C. § 2423 .....

18 U.S.C. § 922 .....

28 U.S.C. § 1254 ..... passim

28 U.S.C. § 2253 ..... passim

28 U.S.C. § 2255 ..... passim

PETITION FOR A WRIT OF CERTIORARI

Brandon Lamar Pruitt respectfully petitions for a writ of certiorari to review the judgment of the United States Court of Appeals for the Ninth Circuit denying a certificate of appealability in this case.

OPINIONS BELOW

The order of the United States Court of Appeals for the Ninth Circuit denying a certificate of appealability is unreported and is reproduced in Appendix A.

The order of the United States District Court for the District of Nevada denying a certificate of appealability is unreported and is reproduced in Appendix B.

The order of the United States District Court for the District of Nevada denying Pruitt's remaining claims under 28 U.S.C. § 2255 is unreported and is reproduced in Appendix C.

The order of the United States District Court for the District of Nevada denying in part Pruitt's § 2255 motion and granting an evidentiary hearing on two plea-stage ineffective-assistance claims is unreported and is reproduced in Appendix D.

The Ninth Circuit's memorandum decision on direct appeal is reported at *United States v. Pruitt, 839 F. App'x 90 (9th Cir. 2020)*, and is reproduced in Appendix E.

JURISDICTION

On April 27, 2026, the United States Court of Appeals for the Ninth Circuit denied Pruitt's request for a certificate of appealability. This petition is timely filed. This Court has jurisdiction under 28 U.S.C. § 1254(1).

This Court has jurisdiction to review the denial of a certificate of appealability. In *Hohn v. United States, 524 U.S. 236 (1998)*, this Court held that an application for a certificate of appealability constitutes a "case" within the meaning of § 1254(1), and that a court of appeals' denial of a certificate of appealability is judicial in nature and subject to review by this Court.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Sixth Amendment to the United States Constitution provides, in relevant part:

> "In all criminal prosecutions, the accused shall enjoy the right ... to have the Assistance of Counsel for his defense."

Title 28, United States Code, Section 1254(1), provides:

> "Cases in the courts of appeals may be reviewed by the Supreme Court by the following methods:
> (1) By writ of certiorari granted upon the petition of any party to any civil or criminal case, before or after rendition of judgment or decree."

Title 28, United States Code, Section 2253(c), provides, in relevant part:

> "Unless a circuit justice or judge issues a certificate of appealability, an appeal may not be taken to the court of appeals from--
> (B) the final order in a proceeding under section 2255."

Section 2253(c)(2) further provides:

> "A certificate of appealability may issue under paragraph (1) only if the applicant has made a substantial showing of the denial of a constitutional right."

Title 28, United States Code, Section 2255(b), provides, in relevant part:

> "Unless the motion and the files and records of the case conclusively show that the prisoner is entitled to no relief, the court shall ... grant a prompt hearing thereon, determine the issues and make findings of fact and conclusions of law with respect thereto."

STATEMENT OF THE CASE

This case arises from the denial of a certificate of appealability following proceedings under 28 U.S.C. § 2255. The underlying constitutional issue concerns the effective assistance of counsel during plea-stage decision-making, including whether Brandon Lamar Pruitt received constitutionally adequate advice from trial counsel, Heidi Ojeda, regarding his sentencing exposure, available plea options, and the consequences of proceeding to a second trial after the first jury failed to reach a verdict on the principal sex-offense counts.

This case is not presented as a routine request for error correction. The district court itself determined that two of Pruitt's plea-stage ineffective-assistance claims warranted factual development through an evidentiary hearing. Yet after that hearing, the district court denied relief, and the Ninth Circuit denied a certificate of appealability in a one-page summary order. As a result, substantial Sixth Amendment claims concerning Ojeda's plea-stage representation were effectively insulated from appellate review despite the district court's earlier recognition that Pruitt's claims could not be rejected on the existing record.

I. Criminal Proceedings

On August 11, 2016, a criminal complaint was filed against Pruitt in the United States District Court for the District of Nevada. On October 5, 2016, a federal grand jury returned an indictment charging Pruitt with sex trafficking, transportation for prostitution or other criminal sexual activity, and possession of a firearm by a prohibited person. A superseding indictment returned on December 28, 2016 added a witness-tampering count.

Pruitt was represented during the pretrial, trial, and sentencing proceedings by attorneys from the Federal Public Defender's Office. Relevant here, Ojeda represented Pruitt during the critical plea-advice and trial stages. In his § 2255 proceedings, Pruitt maintained that Ojeda did not adequately explain his true sentencing exposure, did not fully advise him regarding the consequences of rejecting a plea-related resolution, did not explain that he could plead guilty without a written plea agreement, and did not meaningfully pursue or revisit plea negotiations after the first trial resulted in a partial mistrial.

Before the first trial, the record reflected plea discussions involving a proposed resolution that would have required a substantial stipulated sentence and sex-offender-registration consequences. Pruitt maintained that Ojeda did not adequately explain the practical consequences of rejecting that resolution, the sentencing exposure he faced if convicted after trial, or the available alternatives, including the possibility of pleading guilty without a written agreement and arguing for a lower sentence before the district court.

Pruitt's first trial occurred in December 2017. At that trial, the jury reached a verdict on some counts but failed to reach a verdict on the principal sex-offense counts. Specifically, the jury found Pruitt guilty of the felon-in-possession and witness-tampering counts, but it did not reach a verdict on the sex-trafficking and transportation counts. The district court declared a mistrial as to those unresolved counts. That partial mistrial materially changed the posture of Pruitt's case. Pruitt had already been convicted on two counts, but the most serious counts remained unresolved. At that point, Ojeda's advice concerning sentencing exposure, plea

options, retrial risk, and the consequences of proceeding to another jury trial became especially important.

Approximately five weeks after the first trial, Pruitt proceeded to a second trial on the unresolved sex-offense counts. At the second trial, the jury found Pruitt guilty. In March 2019, the district court sentenced Pruitt to a total term of 300 months' imprisonment. Pruitt pursued a direct appeal. The Ninth Circuit affirmed on all grounds, with a limited remand concerning the written judgment and sentencing enhancement issues. Following remand, an amended judgment entered, but Pruitt's aggregate 300-month sentence remained unchanged.

II. Pruitt's § 2255 Motion

Pruitt timely sought relief under 28 U.S.C. § 2255. His motion asserted multiple grounds for relief, including ineffective assistance of counsel and a constitutional challenge to his firearm conviction. As relevant here, Pruitt alleged that Ojeda performed deficiently during plea-related decision-making and that this deficient performance prejudiced him by causing him to proceed to trial and retrial without a constitutionally adequate understanding of his options and exposure.

Pruitt alleged that Ojeda failed to properly advise him before trial regarding the sentencing consequences of rejecting a plea-related resolution. Pruitt further alleged that Ojeda did not adequately explain the elements of the charged offenses, the sentencing exposure he faced if convicted at trial, or the practical consequences of proceeding to trial rather than pursuing a guilty plea or plea negotiation. Pruitt also alleged that after the first jury failed to reach a verdict on the principal sex-

offense counts, Ojeda failed to meaningfully discuss or pursue plea negotiations before the second trial.

Those allegations were especially significant because the first trial created a new and materially different decision point. After the first jury failed to reach a verdict on the principal counts, Pruitt faced a second trial on the very counts that carried the most serious sentencing consequences. The period between the first and second trials was therefore a critical moment for Ojeda to revisit plea options, sentencing exposure, trial risk, and whether Pruitt wished to pursue a resolution before retrial.

The district court initially denied most of Pruitt's § 2255 claims. However, the court did not summarily reject all of Pruitt's plea-stage ineffective-assistance allegations. Instead, the court found that two related claims required further factual development.

The district court granted an evidentiary hearing on two issues: first, whether Ojeda failed to explain the sentencing consequences of Pruitt's options and the elements of the charged offenses; and second, whether Ojeda failed to engage in sufficient plea negotiations between the first and second trials despite Pruitt's request that she pursue a resolution.

That ruling is central to this petition. By granting an evidentiary hearing, the district court necessarily recognized that the existing record did not conclusively foreclose Pruitt's claims. The claims were not facially frivolous. They were not deemed conclusively refuted by the motion, files, and record. Rather, Pruitt's claims

were substantial enough to require live testimony, credibility determinations, and factual findings.

III. The Evidentiary Hearing on Pruitt's Plea-Stage Claims

After denying most of the § 2255 motion, the district court appointed counsel and conducted an evidentiary hearing on Pruitt's two surviving plea-stage ineffective-assistance claims. The hearing focused on whether Ojeda failed to adequately explain Pruitt's sentencing exposure, available options, and the elements of the charged offenses, and whether Ojeda failed to sufficiently pursue plea negotiations between the first and second trials.

At the hearing, Ojeda testified concerning her communications with Pruitt. Ojeda did not testify from detailed contemporaneous written records documenting a count-by-count sentencing-exposure discussion, a written sentencing chart, or a written comparison of Pruitt's plea and trial options. Rather, Ojeda testified in substantial part from her general practice. Ojeda stated that she generally advises clients of the consequences of going to trial and generally reviews the elements of the offenses, particularly when a case is proceeding to trial. The district court credited Ojeda's testimony. Pruitt's claim, however, was more specific than whether Ojeda generally discussed the charges or whether Pruitt understood that trial carried risk. Pruitt alleged that Ojeda did not adequately advise him of his actual sentencing exposure, the practical consequences of rejecting a plea-related resolution, and the available paths short of proceeding to a second trial. Those paths included not only accepting a negotiated plea agreement, but also the possibility of pleading guilty

without a written plea agreement and preserving the ability to argue for an appropriate sentence.

The hearing also addressed the plea posture after the first trial. The first jury did not convict Pruitt on the principal sex-offense counts. That result created a new and materially different moment for attorney-client consultation. Pruitt had already been convicted on some counts, but the most serious counts remained unresolved. Before the second trial, Ojeda had a renewed obligation to discuss the risks of retrial, the potential sentencing consequences of conviction, and the available options for avoiding a second adverse jury verdict on the unresolved counts. The United States' former prosecutor, Elham Roohani, testified concerning the United States' position after the first trial. According to the testimony, the United States believed its case would be stronger at the second trial because an expert who had been unavailable for the first trial would be available for the retrial. The United States' position was that any post-trial resolution would have required Pruitt to plead to all charges, accept a 25-year sentence, and accept sex-offender-registration consequences. The district court heard testimony that Pruitt did not want to plead guilty to an offense requiring sex-offender registration.

IV. The District Court's Final Order Denying § 2255 Relief

On August 11, 2025, the district court entered its final order denying Pruitt's remaining § 2255 claims. The court rejected Pruitt's claim that Ojeda failed to adequately explain the elements of the offenses, sentencing exposure, and consequences of proceeding to trial. In doing so, the court relied heavily on Ojeda's declaration and testimony that she generally informs clients of potential trial

consequences and generally reviews the elements of the charged offenses. The court also reasoned that because Pruitt had already sat through the first trial, Pruitt would have known the elements of the offenses and the strength of the United States' evidence by the time he proceeded to the second trial.

The court also rejected Pruitt's claim that Ojeda failed to sufficiently pursue plea negotiations between the first and second trials. The court credited testimony that Ojeda and the United States discussed a possible resolution after the first trial, but that no agreement was reached. The court found that both sides were emboldened by the first trial: Pruitt believed the hung jury on the principal counts improved his position, while the United States believed its chances would improve at retrial because it would have additional expert testimony. The court concluded that Pruitt could not establish deficient performance or prejudice because the United States would have required a 25-year sentence, a plea to all charges, and sex-offender-registration consequences, and because Pruitt would not have accepted such terms.

V. The Denial of a Certificate of Appealability

After denying § 2255 relief, the district court denied a certificate of appealability. Pruitt then sought a certificate of appealability from the United States Court of Appeals for the Ninth Circuit. On April 27, 2026, the Ninth Circuit denied a certificate of appealability in a one-page order. The court stated that Pruitt had not made a "substantial showing of the denial of a constitutional right" under 28 U.S.C. § 2253(c)(2), citing Miller-El v. Cockrell. The Ninth Circuit did not address the district court's earlier decision to grant an evidentiary hearing, did not discuss the testimony presented at that hearing, and did not explain why reasonable jurists could not

debate the district court's resolution of Pruitt's plea-stage ineffective-assistance claims.

This petition follows.

REASONS FOR GRANTING THE PETITION

This case presents a narrow but important question concerning the proper application of the certificate-of-appealability standard to a developed, fact-bound Sixth Amendment claim. Pruitt does not ask this Court to decide in the first instance whether he is entitled to relief under 28 U.S.C. § 2255. Instead, Pruitt asks this Court to review whether the Ninth Circuit erred by denying a certificate of appealability where the district court itself had found two plea-stage ineffective-assistance claims substantial enough to warrant an evidentiary hearing.

That posture matters. This is not a case where the district court summarily rejected conclusory allegations. The district court denied most of Pruitt's § 2255 claims, but it allowed two plea-stage ineffective-assistance claims to proceed to an evidentiary hearing. The court appointed counsel, heard testimony from Ojeda and Roohani, and then resolved disputed factual and legal issues against Pruitt. The Ninth Circuit then denied a certificate of appealability in a one-page order without addressing why those hearing-tested claims were not at least debatable among reasonable jurists.

Review is warranted because reasonable jurists could debate the district court's resolution of Pruitt's claims, and the Ninth Circuit's summary denial cannot be reconciled with the limited threshold inquiry required by 28 U.S.C. § 2253(c).

I. Pruitt's claims were substantial enough to require an evidentiary hearing, and reasonable jurists could debate the district court's later denial of relief.

The district court did not find that every claim in Pruitt's § 2255 motion was conclusively refuted by the record. To the contrary, the court concluded that two plea-stage ineffective-assistance claims required factual development: whether Ojeda failed to explain the sentencing consequences of Pruitt's options and the elements of the charged offenses, and whether Ojeda failed to engage in sufficient plea negotiations between the first and second trials.

That finding is significant. A district court grants a § 2255 evidentiary hearing only when the motion, files, and record do not conclusively show that the prisoner is entitled to no relief. By ordering a hearing, the district court necessarily recognized that Pruitt's allegations could not be rejected as facially frivolous, conclusory, or plainly contradicted by the record.

Where a district court rejects constitutional claims on the merits, a certificate should issue when reasonable jurists could find the district court's assessment debatable or wrong. See: *Slack v. McDaniel, 529 U.S. 473, 484 (2000).* This assessment does not require a showing that the movant will ultimately prevail. It requires only a threshold showing that the claim is debatable and warrants further review. See: *Miller-El v. Cockrell, 537 U.S. 322, 336–38 (2003).* The COA inquiry may not be converted into a restrictive merits determination. See: *Buck v. Davis, 580 U.S. 100, 115–17 (2017); Tennard v. Dretke, 542 U.S. 274, 282 (2004).* The question is whether the claim deserves encouragement to proceed further. See: *Lambright v. Stewart, 220 F.3d 1022, 1025 (9th Cir. 2000).*

Put simply, the Ninth Circuit's one-page order did not address the threshold standard in any meaningful way. It did not explain why claims substantial enough to require live testimony and credibility determinations were not at least debatable. It did not discuss the district court's reliance on Ojeda's generalized testimony about her usual practice. It did not address the significance of the partial mistrial. And it did not consider whether the district court's prejudice analysis improperly narrowed the available plea-stage options.

Because the district court's own proceedings demonstrate that Pruitt's claims were serious, fact-bound, and dependent on contested inferences, the Ninth Circuit should have granted a certificate of appealability.

II. Reasonable jurists could debate whether Ojeda adequately advised Pruitt regarding sentencing exposure and plea options.

The Sixth Amendment right to counsel is not limited to trial. It requires reasonably effective assistance during the plea process, including advice sufficient to allow a defendant to make an informed decision about whether to accept a plea, reject a plea, pursue further negotiations, or proceed to trial. See: *Strickland v. Washington, 466 U.S. 668, 686–88 (1984); Hill v. Lockhart, 474 U.S. 52, 57–59 (1985); Missouri v. Frye, 566 U.S. 134, 143–45 (2012); Lafler v. Cooper, 566 U.S. 156, 162–64 (2012).*

Those principles apply with particular force here. Pruitt's claim was not merely that Ojeda failed to mention the charges or failed to say that trial involved risk. Pruitt alleged that Ojeda failed to adequately explain his actual sentencing exposure, failed to walk him through the practical consequences of rejecting a plea-related resolution, failed to explain the possibility of pleading guilty without a written plea agreement, and failed to help him make an informed decision after the first trial resulted in a hung jury on the principal sex-offense counts.

A defendant's decision to reject a plea and proceed to trial is a critical decision, and counsel must give the defendant the information necessary to make that decision intelligently. See: *Turner v. Calderon, 281 F.3d 851, 880–81 (9th Cir. 2002).* Counsel must also provide necessary and accurate information because a defendant often cannot make an intelligent assessment of the advantages and disadvantages of pleading guilty without counsel's assistance. See: *Iaea v. Sunn, 800 F.2d 861, 865 (9th Cir. 1986).* And when counsel materially mischaracterizes sentencing exposure, that error can distort the plea decision itself. See: *United States v. Davis, 428 F.3d 802, 808–10 (9th Cir. 2005).*

These cases do not require counsel to predict the future with certainty. But they do require counsel to provide the defendant with the information necessary to make an informed choice. Pruitt's claim is that Ojeda did not do so, and the district court's contrary determination is debatable.

The district court reasoned that Pruitt would have known the elements of the offenses and the strength of the United States' evidence because he sat through the first trial. That reasoning is debatable. Exposure to evidence is not the same thing as constitutionally adequate legal advice. A defendant may hear the United States' witnesses, understand that the case is serious, and still lack the professional advice necessary to make an informed plea-stage decision.

The need for advice was especially acute after the first trial. The jury did not convict Pruitt on the principal sex-offense counts. That partial mistrial changed the posture of the case. Pruitt had already been convicted on some counts, but the most serious charges remained unresolved. At that moment, Ojeda needed to revisit sentencing exposure, plea options, trial risk, and the consequences of proceeding to another jury trial. Reasonable jurists could debate whether Ojeda's general testimony established that she did so.

III. Reasonable jurists could debate whether the district court's prejudice analysis was too narrow.

Prejudice requires a reasonable probability sufficient to undermine confidence in the outcome. See: *Strickland, 466 U.S. at 694.* In the plea context, the prejudice inquiry focuses on whether counsel's deficient performance affected the outcome of the plea process. See: *Hill, 474 U.S. at 59.* That includes whether deficient plea-stage performance caused the defendant to lose the opportunity for a more favorable plea-related outcome. See: *Lafler, 566 U.S. at 163–64; Frye, 566 U.S. at 147.*

That standard required the district court to consider whether Ojeda's alleged failures affected Pruitt's decision-making at the plea stage. The issue was not limited to whether the United States would have offered a particular negotiated plea after the first trial. Nor was it limited to whether Pruitt would have accepted a plea requiring a 25-year sentence and sex-offender-registration consequences. The relevant question was broader: whether constitutionally adequate

advice would have caused Pruitt to choose a different course before exposing himself to a second trial on the unresolved sex-offense counts.

The district court treated the absence of a mutually acceptable negotiated plea as dispositive. That was too narrow. Pruitt's claim was not that Ojeda could have forced the United States to offer a better plea agreement. Pruitt's claim was that Ojeda failed to advise him about all materially available options, including the possibility of pleading guilty without a written plea agreement and arguing for an appropriate sentence before the district court.

That distinction matters. A straight-up guilty plea would not have required the United States to extend a more favorable written offer. It would have required competent advice from Ojeda so Pruitt could make an informed decision about whether to proceed to a second trial. A plea decision requires assessing the consequences of conviction after trial against the consequences of conviction by plea. See: *Lee v. United States, 582 U.S. 357, 367–69 (2017).*

The timing also matters. This was not a static pretrial record. The critical period occurred after the first jury failed to reach a verdict on the principal sex-offense counts. At that point, Pruitt had already been convicted on some counts, but the most serious charges remained unresolved. The partial mistrial created a new decision point and required renewed advice about sentencing exposure, retrial risk, plea options, and the consequences of proceeding to another jury trial.

The district court did not fully account for that posture. Instead, the court focused primarily on whether the United States would have offered terms Pruitt would accept. But reasonable jurists could debate whether that framing improperly excluded the broader universe of plea-stage decision-making protected by the Sixth Amendment.

Properly framed, the prejudice question was whether there was a reasonable probability that competent advice would have changed Pruitt's decision before the second trial. Reasonable

jurists could debate that question. And because reasonable jurists could debate it, the Ninth Circuit should not have denied a certificate of appealability without allowing appellate review of the claim.

IV. This case is a clean vehicle for review because the question is narrow, the record is developed, and the requested relief is limited.

This case is a proper vehicle for review because it presents a clean certificate-of-appealability question. That is whether the Ninth Circuit should have permitted appellate review of claims the district court itself found substantial enough to require an evidentiary hearing. Because of this the question before this Court does not require speculation about what outside the record evidence may show.

The petition does not ask this Court to review every claim in Pruitt's original § 2255 motion. It focuses on two related plea-stage ineffective-assistance claims: whether Ojeda adequately advised Pruitt about sentencing exposure and plea options, and whether the district court applied too narrow a prejudice analysis after the first trial ended in a partial mistrial on the principal sex-offense counts. Additionally, the requested relief is equally limited. Pruitt seeks vacatur of the Ninth Circuit's order denying a certificate of appealability and remand for further proceedings under the proper threshold standard. That relief would not decide whether Pruitt is entitled to § 2255 relief. It would simply allow the court of appeals to conduct the appellate review that § 2253(c) permits when reasonable jurists could debate the district court's resolution of a constitutional claim.

CONCLUSION

For the foregoing reasons, the petition for a writ of certiorari should be granted. The Court should vacate the Ninth Circuit's order denying a certificate of appealability and remand this case for further proceedings under the proper certificate-of-appealability standard.

Respectfully submitted,

Brandon Pruitt

Brandon Lamar Pruitt
Reg. No. 53611-048
USP Tucson
P.O. Box 24550
Tucson, Arizona 85734