

1 Angel M. Garza #BI 7852
2 Mule Creek State Prison C15-133
3 P.O. Box 409060
4 Ione, CA. 95640

5
6 Pro Se

7
8 SUPREME COURT OF THE UNITED STATES
9 1 FIRST STREET, NE
10 WASHINGTON, DC. 20543

11
12 Angel M. Garza,
13 Petitioner,

14 V.

15 Luis Garnica, Warden,
16 Respondent,

D.C. No: 1:23-CV-01723-JLT-SKO
Ninth Cir. No: 25-7466

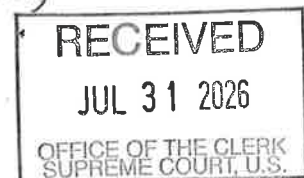
Motion For EXTENSION OF TIME TO
File Writ OF CERTIORARI

17
18 Comes Now the Petitioner Angel M. Garza, in Pro Se, in Necessity,
19 and Hereby Moves This Honorable Court to Issue an Order Granting
20 a (60) Day Extension of Time to File His Writ OF CERTIORARI

21 The Petitioner Avers That He Has His Conviction/Sentence Was
22 Obtain Under a Constitutional Violation That Resulted in The
23 Fundamental Miscarriage of Justice and/or Incarceration of an
24 ACTUALLY INNOCENT Petitioner,

25 In Support, The Petitioner Shows The Court The following:

26
27 (1) The Petitioner Filed His Petition For Issuance of Certificate of
28 Appenlability on 1-22-26, 12-Page motion to The Ninth Circuit Court.



1 (2) The Eastern District Court of California Refused to Answer My
2 U.S.C. 2254 petition For Relief Under The Constitution, of The
3 (9) Nine State and Federal Constitutional Violation Claims of (IAC)
4 an Actual Innocence Claim To Count (15) Rape, and Miscarriage of
5 Justice Claim,
6

7 (3) petitioner Has Not Gotten a Response From The Ninth Circuit
8 Since 1-22-26, and Had to File an Urgent Notice, Requesting
9 a Status on His C.O.A., So That Should They Deny His
10 C.O.A., petitioner Can Then File To The Supreme Court of
11 The United States Washington D.C., and Not Miss This Appeal.
12 Petitioner Has Attached a Copy of my Urgent Notice to The
13 9th Circuit As Exhibit (a), and Response From The 9th Circuit
14 He Receive on July 9, 2026.
15

16 (4) petitioner's C.O.A. Was Denied June 25, 2026.
17

18 (5) petitioner's 2254, Was Denied on December 5, 2025 By
19 The Eastern District, in Which petitioner Then Filed a C.O.A.
20 That Was Granted When petitioner Challenged That Denial.
21

22 (6) petitioner is Not Familiar With The Write of CERTIORARI
23 and Has (90) Days to File From The Ninth Circuit Denial on
24 June 25, 2026. petitioner is Requesting an Extension of
25 Time to File His Write of CERTIORARI, Because Currently
26 petitioner Has No Other Choice But to Represent Himself in
27 pro se, in Necessity.
28

1 The petitioner Has No Training in The Field of Law; and Needs
2 The Additional Time to Research His preparation for a
3 Writ OF CERTIORARI.
4

5 (7) The petitioner Has Made This Motion in Good Faith, in
6 The Interest OF Justice, and Not Meant to Delay
7 The proceedings, The United States Nor Any Adverse
8 Party Will Be Prejudiced By a (60) Day Delay.
9

10 Wherefore Now, Above premises Considered, The petitioner
11 Respectfully moves This Honorable Court to Grant Him
12 a (60) Day Extension OF Time to File His Writ OF
13 CERTIORARI.
14

15 Done This Day 16 OF July, 2026.

16 Respectfully submitted,

17 Angel M. Garza

18 ANGEL M. GARZA # B1-1852

19 Mule creek state Prison C15-133

20 P.O. Box 409060

21 Tione, CA, 95640
22
23
24
25
26
27
28

PROOF OF SERVICE BY MAIL

BY PERSON IN STATE CUSTODY

(Fed. R. Civ. P. 5; 28 U.S.C. § 1746)

I, ANGEL M. GARZA, declare:

I am over 18 years of age and a party to this action. I am a resident of The California
Department of Corrections & Rehabilitations Prison,
in the county of Kings,

State of California. My prison address is: Angel M. Garza #BI7852
CSF-Corcoran 4001 King Ave. P.O. Box 8800 Corcoran, CA. 93212

On 1-22-26
(DATE)

I served the attached: Petition for Issuance of Certificate of Appealability
12-page Motion
(DESCRIBE DOCUMENT)

on the parties herein by placing true and correct copies thereof, enclosed in a sealed envelope, with postage thereon fully paid, in the United States Mail in a deposit box so provided at the above-named correctional institution in which I am presently confined. The envelope was addressed as follows:

United States Court of Appeals
For the 9th Circuit
P.O. Box 193939
San Francisco, CA. 94119-3939

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on 1-22-26
(DATE)

Angel M. Garza
(DECLARANT'S SIGNATURE)

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT
Post Office Box 193939
SAN FRANCISCO, CA. 94119-3939

GARZA

Petitioner,

V.

CAMPBELL

et al.,

Docket Number: 25-7966

Originating Case Number:

1:23-cv-01723-JE-SKO

PETITION FOR ISSUANCE OF
CERTIFICATE OF APPEALABILITY

COMES NOW, Angel M. Garza, Appellant in These Proceedings,
and respectfully moves this Honorable Court to issue a
Certificate of Appealability. In support thereof, Appellant
would show as follows:

I.

JURISDICTION

Pursuant to 28 U.S.C. § 2253(c)(2) and 2254, this Court
of Appeals is granted with the authority and jurisdiction
in this matter.

II STATEMENT OF CASE

A Jury convicted Appellant Angel Miguel Garza of 14 Felonies After He Repeatedly Molested His Young Daughter over a Three year Period. He was Sentence To Prison For 55 Years To Life, Along With a Consecutive Determinate Term of 127 years Six Month. Appellant Raises 18 Claims in His Appeal, Including Insufficiency of The Evidence, Ineffective Assistance of Counsel and Instructional and Sentencing Errors. We Reject a Majority of His Claims. However, we Agree With The parties That Appellant's Sentences in Count 14 and 17 Must Be Stayed Pursuant To Penal Code Section 654. We Further Agree With Appellant That His Sentences To Count 3 and 11 must Also Be Stayed. Appellant's Criminal Intent in Count 3, 11, 14, and 17 Was Not Seperate and Divisible From His Criminal Conduct in Other counts. We will Modify Appellant's Judgment Accordingly, and Direct The Trial Court To prepare an Amended Abstract of Judgment That Reflects a Modified Aggregate Determinate Sentence of 88 Years Eight Months. Appellant's Indeterminate Prison Sentence Remains Unchanged. As Modified, we Affirm The Judgment.

Appellant Filed a En Banc Petition For Review in The Supreme Court of California, Which Review is Denied on April 12, 2023
Case No: S278900

Questions Presented

(1) Whether The Trial Court Erred When it Did Not Grant Counsel's Motion To Withdraw Due To a Declared Conflict and Did Not Address The Issue of Counsel's Pending Job Application With The Prosecuting Attorney's Office Nor Did Appellant Waive That Conflict?

(2) Whether Trial Counsel Rendered Ineffective Assistance By Failing To Present Expert Medical Testimony Showing The SART Protocol as Described By The Investigating Officer Was Wrong and The Truth About The Allegations Could Have Been Determined With Medical Exams?

(3) Whether Appellant's Rights To Effective Assistance of Counsel Was Abridged When Counsel Failed To make Adequate Objections and or Seek limiting Instructions as to Several Hundred Claims of Uncharged Prior Crimes?

(4) Whether Trial Court Errored When it Denied Appellant's Motion For a New Trial Based on Juror Misconduct in Light of The Judge's Discussion of Appellant's Exercising His Fifth Amendment Right To Not Testify?

(5) Whether Appellant's Sixth and Fourteenth Amendment Rights Were Abridged By Allowing The Child Sexual Abuse Expert To Testify To Case Specific Facts as Well as Hypotheticals Based on Facts Tailored To Doe's Testimony?

(6) Whether The Trial Court Erred When it Allowed The Prosecutor to Present a New Theory of Liability To Meet The Requirements For The Kidnapping For Purposes of Molestation Abridging Appellant's Rights to Counsel and Due Process?

(7) Whether Instruction With CALCRIM NO: 1193 Violated Appellant's Sixth and Fourteenth Amendment Rights to Due Process Because it Misstated The Law and Permitted The Jury to use CSAAS To Determine if Appellant Was Guilty?

(8) Whether There is Insufficient Evidence to Support Multiple Counts in Violation of The Federal Constitution?

(9) Whether Appellant's Sentence Constitutes Cruel and Unusual Punishment Within The Meaning of The California and Federal Constitutions?

"Review is Necessary To Resolve an Important Issue of Law That Arises Frequently in The Administration of Justice and To Avoid a Miscarriage of Justice."

RIGHT TO DUE PROCESS Decried Appellant

Due Process is The First Demanded in The Fifth Amendment of The Constitution, which Reads: "No Person Shall Be Held to Answer For a Capital or otherwise Infamous Crime, Unless on a Presentment or Indictment of a Grand Jury, Except in Cases Arising in The Land or Naval Forces, or in The Militia, When in Actual Service in time of War or Public Danger, Nor shall Any Person Be Subjected For The Same

1 OFFENSE TO BE TWICE PUT IN JEOPARDY OF LIFE OR LIMB, NOR
2 SHALL BE COMPELLED IN ANY CRIMINAL CASE TO BE A WITNESS
3 AGAINST HIMSELF, NOR BE DEPRIVED OF LIFE, LIBERTY, OR PROPERTY, WITHOUT
4 DUE PROCESS OF LAW, NOR SHALL PRIVATE PROPERTY BE TAKEN FOR
5 PUBLIC USE, WITHOUT JUST COMPENSATION.

6
7 IN 1884, THE SUPREME COURT DEFINED DUE PROCESS AS:

8 "ANY LEGAL PROCEEDING ENFORCED BY PUBLIC AUTHORITY, WHETHER SANCTIONED
9 BY AGE AND CUSTOM, OR MAYBE DEVISED IN THE DISCRETION OF THE
10 LEGISLATIVE POWER, IN FURTHERANCE OF THE GENERAL PUBLIC GOOD WHICH
11 REGARDS AND PRESERVES THE PRINCIPLES OF LIBERTY AND JUSTICE, MUST
12 BE HELD TO BE DUE PROCESS OF LAW".

13 THIS COULD BE SIMPLY UNDERSTOOD TO MEAN PROPER PROCEDURES AS
14 ESTABLISHED BY ANYBODY WITH THE AUTHORITY TO PASS LAWS.

15 IN 1914, THE UNITED STATES SUPREME COURT GAVE A SHORTER DEFINITION OF:
16 "THE FUNDAMENTAL REQUISITE OF DUE PROCESS OF LAW IS THE OPPORTUNITY
17 TO BE HEARD."

18
19 "REVIEW IS NECESSARY TO RESOLVE AN IMPORTANT ISSUE OF
20 LAW THAT ARISES FREQUENTLY IN THE ADMINISTRATION OF JUSTICE
21 AND TO AVOID A MISCARriage OF JUSTICE."

22 UNITED STATES DISTRICT COURT, Eastern District of California

23 ON DECEMBER 15, 2023, PETITIONER FILED A FEDERAL PETITION FOR
24 A WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. 2254.

25 PETITIONER RAISED NINE (9) CONSTITUTIONAL VIOLATION TO STATE AND
26 FEDERAL CLAIMS OF (TAC) INEFFECTIVE ASSISTANCE OF COUNSELS, WITH
27 ACTUAL INNOCENCE CLAIM AS TO CALIF 15 PC. 261 (A) (2) [01], AND
28 MISCARriage OF JUSTICE CLAIM.

1 Petitioner Requested The Appointment OF Counsel With The
2 United States District Court, and The Court Stated it Did Not
3 Find The Interest OF Justice To Require The Appointment
4 OF Counsel, Therefore Appointment OF Counsel Was Denied
5 February 22, 2024

6 However, Title 18 U.S.C. 3761 A (2)(B) Authorizes The
7 Appointment OF Counsel at Any Stage OF The Case if The
8 Interest OF Justice So Require. See Rule 8(C), Rule
9 Governing Section 2254 Cases.

10
11 ON January 8, 2024, Petitioner Filed "Exhibits" That
12 Will Be Considered as Part OF The Petition.

13
14 on September 18, 2018, MARSDEN Hearing Transcript is
15 Unsealed and a Copy Transmitted to The parties.

16
17 on October 7, 2024 Petitioner Filed a Motion Requesting
18 a Stay and Abeyance to Exhaust Remedies in lieu of
19 Filing Traverse, Petitioner Sought to Introduce Evidence
20 That Was Not Presented to The State Courts on Direct
21 or Collateral Review with New Exhibits Being
22 Introduced To Rebut a Point of Argument That
23 Was Raised By Respondent. The District Court Found
24 Little and NO Value to "All Evidence" That Supports
25 and Shows "Actual Innocence" with Viable Alibi, The
26 District Court Denied without Review, and Refusal
27 To Hear The Defaulted Claims Would Be a "Miscarriage of
28 Justice."

1 Petitioner Filed a Traverse on February 3, 2025 and
2 "All Nine (9) Claims Denied."

3
4 on November 7, 2024 The District Court Did NOT Consider and
5 Exhibits To Objections to Magistrate Judge's Findings
6 and Denied Petitioner's Objections to Magistrate Judge's
7 Findings, "Denied Actual Innocence Claim" in light of Alibi Evidence.

8
9 Petitioner Filed a Motion For Evidentiary Hearing on July
10 2, 2025, "The motion Was Denied."

11
12 on December 5, 2025, The Court Orders:

13 (1) The Findings and Recommendations Issue on May 6, 2025
14 (Doc. 55), are Adopted in Full.

15 (2) The Petitioner For Writ of Habeas Corpus is Denied with
16 Prejudice.

17 (3) The Petitioner's Request For Judicial Notice is Denied.

18 (4) The Clerk of Court is Directed to Enter Judgment and
19 Close The Case. The Court Declines To Issue a Certificate
20 OF Appealability.

21 This order terminates The Action in its Entirety.

22
23 Appellant Filed a COA With District Court For All (9) Claims,
24 Actual Innocence Claim and Miscarriage OF Justice Claim,
25 District Court Adified The 9th Circuit, and Appellant is
26 Now seeking with The 9th Circuit Court, Petition For
27 Issuance OF Certificate OF Appealability.
28

III

STATEMENT OF THE FACTS

A. Standards For Granting a Certificate of Appealability.

A Petitioner is Entitled to a Certificate of Appealability if He "Makes a Substantial Showing of The Denial of a Constitutional Right". 28 U.S.C. 2253(c)(2). The United States Supreme Court in *Barefoot v. Estelle*, 463 U.S. 880, 893 (1983), Held This to mean That The Appellant Need Not show That He Would Prevail on The Merits, But Must "Demonstrate That The Issues Are Debatable Among Jurists of Reason, That a Court Could Resolve The Issue [in a Different Manner], or That The Questions Are Adequate To Deserve Encouragement to Proceed Further". *Eliger v. Delo*, 16 F.3d 878, 883 (8th Cir. 1994).

Whats more, The United States Supreme Court Would later Extend on This Standard in Saying, We Do Not Require petitioners to Prove... That Some Jurists Would Grant The petition For Habeas Corpus. Indeed, a Claim Can Be Debatable Even Though Ever Jurists of Reason Might Agree, After The COA Has Been Granted and The Case Has Received Full Consideration, That Petitioner Will Not Prevail.

Miller-El v. Cockrell, 537 U.S. 322, 338 (2003).

Indeed, Any Debts as to Whether to Issue a Certificate of Appealability Should Be Resolved in Favor of The Appellant

IV.

Issues As To Which a Certificate of Appealability Should be Granted:

"Extraordinary Circumstances Are Present", a Court May Consider a Wide Range of Factors, These Include, in an Appropriate Case, "The Risk of Injustice to The parties" and The Risk of Undermining The Public's Confidence in The Judicial Process" Appellant Has Raised since The Arrest Throughout The Case "High Probability of Actual Innocence".

For Federal Habeas Jurisdiction to Exist Under 2254 Therefore, a State prisoner must be held pursuant to a Judgment Rather Than Say, an Indictment or Criminal Information.

2254 Petitions Come To Use After a state prisoner is Convicted and Not Before. It Also Means That, once The Unconstitutional Judgment is Gone, so too is Federal Jurisdiction Under 2254. And Thus, in a Typical Case Where a prisoner's Conviction is Vacated Because a State Fails to Retry [Him] By The Deadline set in a Conditional Writ, The State is Not Precluded From Rearresting Petitioner and Retrying Him Under Same Indictment. See; Satterlee v. Wolfenbarger, 453 F.3d 362, 370 (6th Cir. 2006). That a petitioner's First Trial Was Unconstitutional in Some Respect, Generally Does Not mean He Can Never Be Tried Again. The power to "Release" a prisoner Under 2254 Normally is Not a power to Release Him Forever From the Underlying Charge. It is The power, Instead, Only to Release Him From Custody Pursuant to The Unconstitutional Judgment. See Eddleman v. McKee, 586 F.3d 409 (CA 6 2009).

1 A Constitutional Error Deprived The Juror Of Critical Evidence
2 That Would Have Established His Innocence.

3 Appellant Has Established Actual Innocence as to Count 15, and
4 Demonstrated That in light of All The Evidence, it is more
5 likely than Not That No Reasonable juror Would Have
6 Convicted Him. The District Court Failed to Address
7 Appellant's Actual Innocence.

8
9 That The Constitutional Violations Appellant Alleges "Have"
10 Probably Resulted in the conviction of one who is
11 Actually Innocent," such That a Federal Court's Refusal
12 To Hear The Defaulted Claims Would ~~be~~ be a Miscarriage
13 of Justice. See; Schlup V. Delo, 513 U.S. 298, 326, 115
14 S.Ct. 851 [1995].

15
16 Appellants (9) IAC Claims were Refused to be Heard By The
17 District Court, When The Record Clearly Shows By The
18 Admission of Trial Counsel Admitting He Was Violating
19 Appellant's Constitutional Rights, in Both Markson Motions
20 Counsel Raised Against Appellant.

21 According to The Court Mass R. Prof. C. 1.7 provides That
22 a "Lawyer Shall Not Represent a client if the
23 Representation Involves a Concurrent Conflict of Interest"
24 Such a Conflict Exists Where There is a "Significant Risk"
25 That The "Lawyer's own personal Interest" will materially
26 limit Representation of The client.

1 Id. Further, Comment 10 to Rule 1.7 Contemplates The
2 Type of Conflict at Issue in The present case "if The
3 Probability of a Lawyer's Own Conduct in a Transaction is
4 Serious Question, it may Be Difficult or Impossible For
5 The Lawyer to Give a Client Detailed Advice."

6 Thus, The Court Ruled That The Defendant is "Entitled to
7 a New Trial Under Art. 12 Without a Further Showing of
8 Prejudice." Commonwealth v. Tate, 192 N.E. 3d 1034 (Mass.
9 2022). Accordingly, The Court Upheld The Motion Court's
10 Grant of a New Trial Based on Defense Counsel's
11 Actual Conflict of Interest and Remanded the case
12 For a New Trial With an Unconflicted Defense Counsel.
13 See; Commonwealth v. Brown, 236 N.E. 3d 780 (Mass. 2024).

14
15 The Court Observed That it has long Held That, Where Counsel
16 Had an Actual Conflict of Interest, The Defendant Does NOT
17 Have to Show That The Conflict "Had an Adverse Impact
18 on The Defendant." Commonwealth v. Martinez, 681 N.E. 2d
19 218 (Mass. 1997). That is, The Conflict Alone, "Renders
20 Assistance Ineffective". Commonwealth v. Ronken, 392
21 N.E. 2d 1001 (Mass. 1979). In Contrast, The Sixth
22 Amendment Requires a Defendant to Show That an Actual
23 Conflict Adversely Affected Counsel's Representation.
24 See; Cuyler v. Sullivan, 466 U.S. 335 (1980). The Court
25 Stated That Under Art. 12, once an Actual Conflict of
26 Interest Has Been Established, The Conviction Must Be Reversed.
27 "Issues as to Which a Certificate of Appealability Should Be Granted,"
28 For Appellant, To Avoid a Miscarriage of Justice.

V.
CONCLUSION

For The Foregoing Reasons, Appellant Angel M. Garza prays
This Court to Issue a Certificate of Appealability as
to Each Issue Discussed in This Application.

January 22, 2026. Respectfully submitted,

Angel M. Garza

ANGEL M. GARZA #BI7852

CSP-Corcoran 3B02-116

P.O. Box 8800

4001 King Ave

Corcoran, CA 93212

1 Angel M. Garza #BI7852
2 Mule Creek State Prison C15-133
3 P.O. Box 409060
4 Tione, CA. 95640
5

6 June 24, 2026 Urgent Notice

7
8 RE: Angel M. Garza v. Bryan D. Phillips Warden, and Tommy Campbell
9 Warden D.C. No: 1:23-CV-01723-JLT-SKO
10 With Circuit Court Case No: 24-7857
11

12 Clerk of U.S. Court of Appeals
13 For The Ninth Circuit
14 P.O. Box 193939
15 San Francisco, CA. 94119-3939
16

17 Dear Deputy Clerk,
18 On 1-22-26 I Filed All The Paperwork Necessary To
19 Request For Petition For Issuance Of Certificate Of
20 Appealability, a 12-page Motion Since The Eastern District
21 Refuse To Answer My U.S.C. 28 2254 Petition For Relief
22 OF The (Nine) State and Federal Constitutional Claims, Including
23 an Actual Innocence Claim To Count 15 Rape, and Miscarriage
24 OF Justice Claims
25

26 While at CSP-corcoran I Had ALOT OF Retaliatory Problems From
27 Staff, Impeding My Legal Mail, The Eastern District Was
28 Made Aware Of and to This 9th Circuit Court.

1 I Filed an Transfer out OF Csp-Corcoran Due To The Misdemeanor
2 and Arbitrary Detention at That Facility Against my Protected
3 Conduct and For Impeding in my Due process and 14th
4 Amendment Rights to The Constitution, Access to The Courts.

6 I Wrote Several letters To This Court For an Update
7 on my C.O.A., and Never Got a Response?

8 I Wrote another letter After Arriving Hear to Mule Creek
9 State Prison Where I am Now Located, and Have Filed
10 Complaints Here Due to Continued Mail Issues, So I
11 Have Not Heard Back From Your Court With an update?

13 I took All The First Steps To File for an C.O.A., and Have Been
14 Waiting For a Response To Move Forward in your Court, and
15 Have Not Got a Response? or Instructions What to Do Next?

16 Not Getting a Response or Knowing What's Going on With
17 my 9th Circuit Appeal, That on my part I Filed Timely,
18 Will Also Impend me From Filing an Appeal in The
19 United States Supreme Court in Washington, Washington is
20 The Final Court To File an Appeal For Relief of my
21 ongoing Appeal, I must Have a Response From You To File With Them,
22 I Need an Update in "Clear Writing" What Happen With
23 my C.O.A. or Was it Denied, So I Can Immediately
24 File my New Appeal in Washington D.C., But I
25 Need The 9th Circuits Response of my (Nine) Constitutional
26 Violations Claims To my Unlawful Conviction.

27 I Declare under penalty of perjury The Following Statement of Facts Are True
28 and Correct. Executed This 24th Day of June 2026.

Respectfully submitted,
Angel McGoffin

CLERK, U.S. COURT OF APPEALS
FOR THE NINTH CIRCUIT
P.O. BOX 193939
SAN FRANCISCO, CA 94119-3939

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C15-133

Exhibit (C) (1)

Received on

7-9-26

Exhibit (C) (2)

UNITED STATES COURT OF APPEALS

FILED

FOR THE NINTH CIRCUIT

JUN 25 2026

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

ANGEL M. GARZA,

Petitioner - Appellant,

v.

TAMMY CAMPBELL, Warden,

Respondent - Appellee.

No. 25-7966

D.C. No. 1:23-cv-01723-JLT-SKO
Eastern District of California,
Fresno

ORDER

Before: SILVERMAN and BENNETT, Circuit Judges.

The request for a certificate of appealability (Docket Entry No. 9) 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).

Any pending motions are denied as moot.

DENIED.