

No. _____

IN THE
Supreme Court of the United States

JOE CLARENCE SMITH,
Petitioner,

vs.

RYAN THORNELL, ET AL.,
Respondents.

****CAPITAL CASE****

**APPENDIX TO APPLICATION TO EXTEND TIME TO FILE PETITION FOR
WRIT OF CERTIORARI**

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APPENDIX 1

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

JUN 3 2026

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

JOE CLARENCE SMITH, Jr.,

Petitioner - Appellant,

v.

RYAN THORNELL, Director of the
Arizona Department of Corrections,
Rehabilitation and RON CREDIO, Warden,
Arizona State Prison - Eyman Complex,

Respondents - Appellees.

No. 25-1964

D.C. No.

2:12-cv-00318-ROS

District of Arizona,

Phoenix

ORDER

Before: PAEZ, CLIFTON, and OWENS, Circuit Judges.

Petitioner Joe Clarence Smith, Jr. has filed an application for a certificate of appealability (COA) to appeal the district court’s denial of his Federal Rule of Civil Procedure 60(b)(6) motion for relief from judgment. He contends that the Supreme Court’s decision in *Loper Bright Enters. v. Raimondo*, 603 U.S. 369 (2024), undermines the constitutional validity of the Antiterrorism and Effective Death Penalty Act (AEDPA). Smith’s argument is foreclosed by *Bradford v. Vang*, No. 23-99005, — F.4th —, 2026 WL 1340217 (9th Cir. May 14, 2026).

In *Bradford*, we held that *Loper Bright* “provides us no license to depart from AEDPA’s settled meaning.” *Bradford*, 2026 WL 1340217, at *17. “[W]e remain bound by the Supreme Court’s longstanding interpretation of AEDPA’s

standards, as well as by our prior precedent holding that AEDPA’s deferential review is constitutional.” *Id.* Accordingly, Smith cannot demonstrate that “jurists of reason could disagree with the district court’s resolution of his constitutional claim[] or . . . conclude the issues presented are adequate to deserve encouragement to proceed further.” *Miller-El v. Cockrell*, 537 U.S. 322, 327 (2003). We therefore deny his application for a COA.

DENIED.

APPENDIX 2

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

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

JOE CLARENCE SMITH, Jr.,

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ORDER

Before: PAEZ, CLIFTON, and OWENS, Circuit Judges.

Judge Owens has voted to deny the petition for rehearing en banc. Judge Paez and Judge Clifton have so recommended. The full court has been advised of the petition for rehearing en banc, and no judge has requested a vote on whether to rehear the matter en banc. *See* Fed. R. App. P. 40.

Appellant's petition for rehearing en banc, Dkt. 16, is **DENIED**.