

FILED

AUG 30 2016

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

RICHARD LOUIS ARNOLD PHILLIPS,

Petitioner - Appellant,

v.

DAVE DAVEY, Warden, California State
Prison at Corcoran,

Respondent - Appellee.

No. 16-15487

D.C. No.

1:14-cv-01068-LJO-SAB

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Lawrence J. O'Neill, Chief Judge, Presiding

Submitted August 8, 2016**
San Francisco, California

Before: WALLACE and GRABER, Circuit Judges, and LYNN,*** Chief District
Judge.

Petitioner's request for a certificate of appealability is **DENIED**.

* This disposition is not appropriate for publication and is not precedent
except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision
without oral argument. *See* Fed. R. App. P. 34(a)(2).

*** The Honorable Barbara M. G. Lynn, United States Chief District
Judge for the Northern District of Texas, sitting by designation.