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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

DIRK JAONG BOUIE, JR.,

Petitioner,

v.

ROBERT FOX,

Respondent,

No. 2:17-cv-02044-TLN-AC

**ORDER**

On September 12, 2018, the magistrate judge issued Findings and Recommendations granting respondent’s motion to dismiss, (ECF No. 34), which this Court adopted on December 20, 2018 (ECF No. 40). Judgment was accordingly entered, and this case was closed. (ECF No. 41.) On January 4, 2019, Petitioner filed a Notice of Appeal requesting a certificate of appealability, (ECF No. 42), which the Ninth Circuit denied on February 12, 2020, stating: “[t]he request for a certificate of appealability is denied because appellant has not shown that ‘jurists of

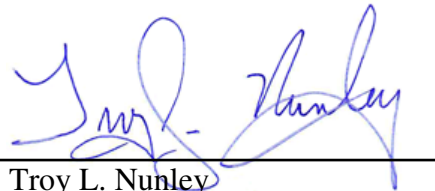
1 reason would find it debatable whether the petition states a valid claim of the denial of a  
2 constitutional right and that jurists would find it debatable whether the district court was correct  
3 in its procedural ruling.” (ECF No. 49 (quoting *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).)

4 Petitioner then filed a Motion for Relief from Judgement, (ECF No. 40), which this Court  
5 denied (ECF No. 55). On June 1, 2021, Petitioner filed a Notice of Appeal. (ECF No. 56.) On  
6 September 27, 2021, Petitioner filed a Motion for Certificate of Appealability, (ECF No. 65), and  
7 on December 8, 2021, the Ninth Circuit remanded this action to this Court for the limited purpose  
8 of granting or denying a Certificate of Appealability (ECF No. 67).

9 For the reasons set forth in the Ninth Circuit’s order in this action, (*see* ECF No. 49),  
10 Petitioner’s Motion for Certificate of Appealability (ECF No. 65) is DENIED. Accordingly, this  
11 Court DENIES a Certificate of Appealability. (*See* ECF No. 67.)

12 IT IS SO ORDERED.

13 DATED: February 4, 2022

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17 Troy L. Nunley  
18 United States District Judge  
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