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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 ROBERT G. PULLEY,

12 Petitioner,

13 v.

14 DANIEL PARAMO, Warden; and
15 KAMALA D. HARRIS, Attorney
16 General,

17 Respondents.

Case No.: 14-CV-2034 JLS (MDD)

**ORDER DENYING PETITIONER'S
MOTION TO REOPEN
PROCEEDINGS**

(ECF No. 71)

18 This closed federal habeas corpus action was filed under 28 U.S.C. § 2254 by pro se
19 state prisoner Robert G. Pulley. The Court denied the Petition and entered judgment in
20 favor of Respondents on November 14, 2016. ECF Nos. 54, 55. Petitioner filed multiple
21 appeals in this matter, *see* ECF Nos. 56, 57, 63, all of which were denied or dismissed as
22 duplicative, *see* ECF Nos. 61, 65, 66. Petitioner filed a post-judgment motion on June 2,
23 2021, ECF No. 68, which the Court construed as a second or successive habeas petition
24 and subsequently denied (the “Order”), ECF No. 69. The present Motion, which Petitioner
25 titled “Motion to Reopen Proceedings,” followed. ECF No. 71.

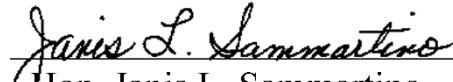
26 The present Motion repeats the same arguments previously rejected by the Court as
27 a second or successive petition under 28 U.S.C. § 2244(b)(3)(A). *Compare* ECF No. 68 at
28 23–24 (“[T]he district court fail[ed] to properly address and properly consider . . . new

1 ineffective assistance of counsel claims containing newly presented exculpatory evidence
2 counsel withheld from the jury[.]”), *with* ECF No. 71 at 14–15 (“[T]he district court fail[ed]
3 to properly address and properly consider . . . new ineffective assistance of counsel claims
4 containing newly presented exculpatory evidence counsel withheld from the jury[.]”). For
5 the reasons articulated in the Order, the Court finds this Motion is also a second or
6 successive petition. *See* ECF No. 69. For those reasons stated in the Order, Petitioner’s
7 Motion is **DENIED**, and this second or successive petition is **DISMISSED**.

8 A certificate of appealability will not issue. Petitioner has not shown “that jurists of
9 reason would find it debatable whether the petition states a valid claim of the denial of a
10 constitutional right and that jurists of reason would find it debatable whether the district
11 court was correct in its procedural ruling.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).
12 The judgment and the order dismissing the Petition remain in effect. This case remains
13 closed.

14 **IT IS SO ORDERED.**

15 Dated: April 5, 2022


16 Hon. Janis L. Sammartino
17 United States District Judge
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