

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 Bryan Dryden,  
4 Petitioner

Case No. 2:17-cv-00704-JAD-NJK

5 v.

**Order Denying Motion to Appeal and  
Denying Motion for Appointment of  
Counsel**

6 Calvin Johnson, et al.,  
7 Respondents

[ECF Nos. 73, 74]

8 On March 23, 2022, I denied Petitioner Bryan Dryden’s petition for writ of habeas corpus  
9 under 28 U.S.C. § 2254.<sup>1</sup> Dryden appealed, and the Ninth Circuit Court of Appeals denied  
10 Dryden a certificate of appealability on October 27, 2022.<sup>2</sup> The Ninth Circuit Court of Appeals  
11 then granted Dryden’s counsel’s motion to withdraw.<sup>3</sup>

12 Dryden has filed a motion to appeal, explaining that the state district court denied his  
13 ability to file a second or successive state habeas petition and asking this court to order the state  
14 district court to allow him to do so.<sup>4</sup> Dryden has also filed a request for appointment of counsel.<sup>5</sup>

15 This case is closed, so there is no basis to grant Dryden’s motion for the appointment of  
16 counsel. And if Dryden wishes to appeal a state district court order, he must file an appeal with  
17 the Nevada Supreme Court, not file a motion in this court.<sup>6</sup>

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19 <sup>1</sup> ECF No. 63.

20 <sup>2</sup> ECF No. 68.

21 <sup>3</sup> ECF No. 69.

22 <sup>4</sup> ECF No. 73.

<sup>5</sup> ECF No. 74.

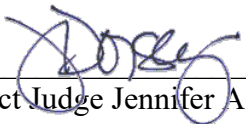
23 <sup>6</sup> If Dryden desires to file a second or successive federal habeas petition in this court, he must first file a motion with the Ninth Circuit Court of Appeals requesting authorization for this court to consider such a second or successive federal habeas petition. *See* 28 U.S.C. § 2244(b)(3)(A).

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IT IS THEREFORE ORDERED that the motion to appeal [ECF No. 73] and motion for appointment of counsel [ECF No. 74] ARE DENIED.

IT IS FURTHER ORDERED that, to the extent required, a certificate of appealability is denied.

Dated: May 21, 2023

  
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U.S. District Judge Jennifer A. Dorsey