

1
2 UNITED STATES DISTRICT COURT
3 WESTERN DISTRICT OF WASHINGTON
4 AT SEATTLE

5 NICHOLAS STERLING LITTLE,

6 Petitioner,

7 v.

8 RONALD HAYNES,

9 Respondent.

C20-1071 TSZ

MINUTE ORDER

10 The following Minute Order is made by direction of the Court, the Honorable
11 Thomas S. Zilly, United States District Judge:

12 (1) Petitioner's motion for a certificate of appealability, docket no. 67, is
13 DENIED without prejudice as premature. *See Serine v. Peterson*, 989 F.2d 371, 372–73
14 (9th Cir. 1993) (dismissing the appeal as premature, concluding “there is no question that
15 the magistrate judge's order was not a final judgment”).

16 (2) Petitioner's motion for sanctions and attorneys' fees, docket no. 68, is
17 DENIED with prejudice. Petitioner seeks sanctions and fees against Respondent
18 because, after Petitioner reviewed the documents that Respondent filed with the Ninth
19 Circuit Court of Appeals, he “found substantial state documents missing” from the state
20 court record that was filed with this Court. Motion for Sanctions (docket no. 68 at 2).
21 Petitioner, however, has failed to identify *which* documents were “missing” from the state
22 court record; and, as Judge Peterson has already concluded, “Respondent's submission of
23 the state court record complied with the requirements of Rule 5 of the Rules Governing
Section 2254 Cases.” Order (docket no. 58 at 5).

(3) The Clerk is directed to send a copy of this Minute Order to pro se
Petitioner, all counsel of record, and Judge Peterson.

Dated this 14th day of June, 2021.

William M. McCool

Clerk

s/Gail Glass

Deputy Clerk