

1 Mr. Glenn Sunkett
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3 In Pro-Per
4

5 **UNITED STATES COURT OF APPEALS**
6 **FOR THE NINTH CIRCUIT**
7

8)
9 GLENN SUNKETT,)
10)

11 Appellant/Petitioner,)

Case No. 16-17320

12 v.)
13)
14)

Dist. Court No. 14-CV-00069-RS

15 CHRISTIAN PHEIFFER,)
16)

Warden/Respondant(s).)
17)

18 To: The Honorable Above-entitled Court;
19 Ninth Circuit-Motions Panel.

20 **NOTICE OF MOTION; MOTION "RENEWED" FOR RECONSIDERATION**
21 **AND RELIEF FROM JUDGEMENT, UNDER FED.R.CIV.P., RULE 60 (b)(6),**
22 **BASED ON EXCEPTIONAL CIRCUMSTANCES AND PLAIN-ERROR, CAUSED**
23 **BY THE DISTRICT COURT DENYING A COA, UTILIZING A PROCEDURE IN**
24 **DIRECT CONFLICT WITH THE UNITED STATES SUPREME COURT DECISION**
25 **RENDERED IN-*BUCK v. DAVIS*, 137 S.Ct. 759 (2017), "SEVERELY AFFECTING"**
26 **PETITIONER'S FUNDAMENTAL-SUBSTANTIAL RIGHTS, CONSTITUTING**
27 **A MISCARRIAGE OF JUSTICE, "SERIOUSLY UNDERMINING" THE**
28 **FAIRNESS, INTEGRITY OR PUBLIC REPUTATION OF JUDICIAL**
PROCEEDINGS; AND THE PRINCIPALS ENUNCIATED BY THIS COURT
IN-*PHELPS v. ALAMEIDA*, 569 F.3d 1120 (9th Cir. 2009).

I. Statement of Jurisdiction.

1 Under Fed.R.Civ.P., Rule 52(b) provides that a court of appeals may consider errors that are plain
2 and affect substantial rights, "even though they are raised for the first time on appeal." In *Gonzales v.*
3 *Crosby*, 545 U.S. 524, 536-538 (2008), the United States Supreme Court held, "predicated on the
4 showing of extraordinary circumstances a federal appellate court may, in their discretion, decide the
5 merits of a Fed.R.Civ.P., Rule 60(b) motion in the first instance on appeal."

6 **II. Questions Presented.**

7 1). Whether the District Court's COA examination procedure conflict with the United States
8 Supreme Court decision rendered-in *Buck v. Davis*, 137 S.Ct. 759 (2017), by first deciding a federal
9 habeas corpus petition on the merits, then in the same proceeding, justify denial of a COA based on the
10 habeas corpus merits determination, without a application for COA actually filed for review?

11 2). Whether federal law under the provision of 28 u.s.c. sub.sec. 2253 require for a petitioner
12 seeking the grant of a COA, to be afforded the opportunity to actually file a COA, in order, for the
13 application to be fairly heard on the merits? And whether the [phantom denial] of a COA, without a
14 COA application actually filed," irreparably-divest" petitioner of the opportunity to make "a substantial
15 showing of the denial of a constitutional right"; and further show that jurists of reason could disagree
16 with the district court's resolution of his constitutional claims, or that jurists could conclude the issues
17 presented are adequate to deserve encouragement to proceed further"?

18 3). Whether the District Court's COA examination procedure conflicting with the United States
19 Supreme Court decision rendered in-*Buck v. Davis*, 137 S.Ct. 759 (2017), constitute "plain-error" and
20 affect substantial rights of petitioner, and seriously undermines the fairness, integrity, or public
21 reputation of judicial proceedings, and thus warrant relief, according to the principles enunciated in-
22 *Rosales-Mireles v. United States*, 585 U.S. ____ (2018); and *United States v. Olano*, 507 U.S. 725
23 (1993)?

24 4). Whether the District Court's abuse of discretion or plain errors, constitute exceptional
25 circumstances justified for the grant of relief, under Fed.R.Civ.P., Rule 60 (b)(6), according to the
26 principles enunciated in-*Buck v. Davis*, 137 S.Ct. 759 (2019); and the well-reasoned principals by this
27 court in-*Phelps v. Alameida*, 569 F.3d 1120 (9th Cir. 2009)?

28 **III. Facts And Procedural History.**

A. District Court Proceedings.

On June 2, 2015, Petitioner filed a federal petition for writ of habeas corpus, under the provision
of-28 u.s.c. 2254, which challenged his wrongful state criminal conviction, rendered in-*People v. Glenn*
Sunkett, case no. SCUKCRCR 09-89877 (Superior Court of California, County of Mendicino), and in
the United States District Court, Northern District of California, case no. 14-cv-00069-RS.

On December 6, 2016, The District Court denied the petition for writ of habeas corpus, and
simultaneously (i) entered judgement against petitioner, and (ii) denied a Certificate Of Appealability
(COA).

Note: Although, the District Court denied a COA, petitioner was not afforded an opportunity to
actually file a motion/application for COA.

On December 12, 2016, Petitioner filed a timely Notice of Appeal. On 12-30-16, Petitioner filed a
timely Motion for Reconsideration.

1 On May 3, 2017, The District Court denied petitioner's Motion for Reconsideration, in part, on
2 the grounds that: "The motion contains no showing of newly-discovered evidence, or that the [court
3 committed clear error] or [made an initial decision that was manifestly unjust], or that there was an
4 intervening change in controlling law..."

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B. Ninth Circuit Proceedings.

On February 10, 2017, petitioner filed an application for COA. On August 18, 2017, this court denied petitioner's application for COA, without review on the merits. On September 14, 2017, petitioner filed a Motion for Reconsideration. On November 8, 2017 this court denied petitioner's Motion for Reconsideration, without review on the merits; for that reason, no mandate was issued.

On approximately January 10, 2018, petitioner filed a document in this court titled: "Notice of motion; Petition for Writ of Mandamus, ect, ect., requesting the court to vacate its November 8, 2016 Order denying petitioner's Motion for Reconsideration and any applicable relief under 28 u.s.c. sub.sec. 2243, in the interests of justice, due to fundamental error, and the Ninth Circuit rendering a COA denial that conflicts with the U.S. Supreme Court decision in *Buck v. Davis*, 580 U.S. ____ (2017)."

The above-mentioned documents presented the following question(s) to this court, in seeking review on the merit(s):

- (A): Did the District Court divest the Ninth Circuit of jurisdiction to hear this appeal, based on the lower court denying petitioner's application for COA in a manner that conflicts with the U.S. Supreme Court's February 22, 2017 decision rendered in *Buck v. Davis*, 580 U.S. ____ (2017)?
- (B): Should the Ninth Circuit determine that it indeed had jurisdiction to act upon the appeal, did the court deny petitioner's application for a COA in a manner, that conflicts with the U.S. Supreme Court decision rendered in *Buck v. Davis*?

The above mentioned document remains pending in this court, and has not been reviewed on the merits.

Petitioner comes now with this instant "renewed" motion for reconsideration seeking relief under Fed.R.Civ.P., Rule 60(b)(6).

C. U.S. Supreme Court Proceedings.

On February 6, 2018, Petitioner, filed a petition for a writ of Certiorari. On April 2, 2018, the United States Supreme Court denied Certiorari.

IV. Clearly Established Federal Standards.

A. Application For COA.

A state prisoner whose petition for a writ of habeas corpus is denied by a Federal District Court does not enjoy an absolute right to appeal. Federal laws requires that he first obtain a COA from a circuit Justice or Judge. 28 u.s.c. sub.sec. 2253. A COA may issue "only if the applicant has made a substantial

1 showing of a denial of a constitutional right." 28 u.s.c. sub.sec. 2253. Until the prisoner secures a COA,
2 the Court Of Appeals may not rule on the merits of his case. *Buck v. Davis*, 137 S.Ct. 759, 773 (2017)
(citing *Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003)).

3 The COA inquiry, according to the United States Supreme Court, is not coextensive with a merits
4 analysis. *Buck*, 137 S.Ct. at 773. At the COA stage, the only question is whether the [applicant] has
5 shown that "jurist of reason could disagree with the District Court's resolution of his constitutional
6 claims or that jurist could conclude the issues presented are adequate to deserve encouragement to
7 proceed further." *Id.*, at 773. This threshold question should be decided without "full consideration of
8 the factual or legal basis induced in support of the claims." *Id.*

9 "When a Court of Appeals sidesteps the COA process by first deciding the merits of an appeal,
10 and then justifying is denial of a COA based on its adjudication of the actual merits, it is in essence
11 deciding an appeal without jurisdiction." *Id.*

12 B. Plain-Error Doctrine.

13 Federal rule of criminal procedure, Rule 52(b) provides that "[A] plain error that affects
14 substantial rights may be considered even though it was not brought to the [District] Court's attention."
15 *Rosales-Mireles*, 585 U.S. ____ (slip op., at pp. 3-4) (citations omitted). To satisfy this third condition,
16 the defendant ordinarily must "'show a reasonable probability that, but for the error,' the outcome of the
17 proceeding would have been different." *Id.* (quoting *United States v. Dominguez*, 542 U.S. 74, 76, 82
18 (2004)). Once those three conditions have been met, applying *Olano's* fourth prong, "the Court of
19 Appeals should exercise its discretion to correct the forfeited error if the error seriously affects the
20 fairness, integrity, or public reputation of judicial proceedings." *Rosales-Mireles*, 585 U.S. ____ (slip
21 op., at p.4).

22 The United States Supreme Court repeatedly has reversed judgments for [plain error] on the basis
23 of [inadvertent or unintentional errors] of the court or the parties below. *Id.*, at p. ____ (slip op, at p. 7).
24 (citations omitted).

25 C. Fed.R.Civ.P., Rule 60(b) Motions.

26 Fed.R.Civ.P., Rule 60(b), states as follows:

27 [The] court may relieve a party or its legal representative from a final judgment, order, or
28 proceeding for the following reasons: mistake, inadvertence, surprise, or excusable neglect; (2) Newly
discovered evidence that, with reasonable diligence, could not have been discovered in time to move for
a new trial under rule 59(b); (3) Fraud (whether previously called intrinsic or extrinsic),
misrepresentation, or misconduct by an opposing party; (4) The judgement is void; (5) The
judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been
reversed or vacated; or applying it prospectively is no longer equitable; or (6) any other reason that
justifies relief.

The United States Supreme Court, in *Gonzalez v. Crosby*, held appellate courts may, in their
discretion, decide the merits of a rule 60(b) motion in the first instance on appeal. Relief is available
under subdivision (b)(6), however, only in "extraordinary circumstances,"... [s]uch circumstances will
rarely occur in a habeas context." *Buck v. Davis*, 137 S.Ct. At 772 (quoting *Gonzalez*, 545 U.S., at 535).
See also *Phelps v. Alameida*, 569 F.3d 1120, 1140-1141 (9th Cir. 2009) ("We too believe that a central
purpose of Rule 60(b) is to correct erroneous legal judgments that, if left uncorrected, would prevent the
true merits of a petitioner's constitutional claims from ever being heard. In such cases/ instances,
including the case presently before us, this factor will cut in favor of granting Rule 60(b)(6) relief.).

1 Moreover, the "heavy burden" is compounded and aggravated, predicated on the federal right and
2 constitutional claim, that petitioner was never afforded the opportunity to [actually file a
3 "application/motion for COA"], the denial is based on the District Court applying the "highly differential
4 standard of review," with respect to petitioner's federal habeas petition.

5 **D. Jurist of Reason Could Disagree With the District Court Denying COA,
6 Without Affording Petitioner the Opportunity to Actually File a COA;
7 And Justifying Its Denial On A Incorrect Standard of Review, Or Jurist
8 Of Reason Could Conclude The Issues Presented Are Adequate To
9 Deserve Encouragement to Proceed Further.**

10 The United States Supreme Court has clearly established, that when lower court(s) deny a COA,
11 and it is determined that their reason for doing so was "flawed," the court may [reverse and remained] so
12 that the [correct legal standard] may be applied. *Slack v. McDaniel*, 529 U.S. 473, 485-486, 489-490
13 (2000); *Miller-El v. Cokerell*, 537 U.S. 322, 326-327 (2003); *Buck v. Davis*, 137 S.Ct. 759, 774 (2017)
14 (*Miller-El* flatly prohibits such a departure from the procedure prescribed by sub.sec. 2253.); see also
15 e.g. *U.S. v. Taylor*, 679 F.3d 1005, 1007 (8th Cir. 2012) (plain error when District Court considered
16 defendant's eligibility to participate in rehabilitation programs for sentencing purposes, which was a
17 violation of Supreme Court precedent); *U.S. v. Terrell*, 696 F.3d 1257, 1264 (D.C. Cir. 2012) (plain
18 error when District Court "used improper standard" and subsequently sentenced defendant to a longer
19 sentence.).

20 **VI. Jurist of Reason Could Debate the District Court Denying COA,
21 Without A COA Actually Filed, Constitute Plain-Error
22 Affecting Petitioner's Substantial Rights, And The Fairness,
23 Integrity Or Public Reputation of Judicial Proceedings, Or
24 Jurist Could Conclude The Issues Presented Are Adequate
25 To Deserve Encouragement to Proceed Further.**

26 This court has the authority reverse judgments for plain-error on the basis of inadvertent or
27 unintentional errors of the court or the parties below. see *Rosales-Mireles v. United States*, 585 U.S. ____
28 (2018) (slip op., at p.7); see also e.g. *Silber v. United States*, 370 U.S. 717, 717-718 (1962) (per curiam)
(reversing judgment for plain-error as a result of insufficient indictment); *Clyatt v. United States*, 197
U.S. 207, 222 (1905) (reversing judgment for plain-error where the government presented "insufficient
evidence" to sustain conviction).

The District Court denying COA, without affording petitioner the right, under 28 u.s.c. sub.sec.
2253, to actually file a COA, "irreparably-divested" petitioner of the ability to (i) make a substantial
showing of the denial of constitutional rights, and (ii) jurist of reason could conclude the issue(s)
presented are adequate to deserve encouragement to proceed further.

Petitioner's liberty is severely at stake; "To a prisoner," this prospect of additional "time behind
bars is not some theoretical or mathematical concept." *Rosales-Mireles v. United States*, 585 U.S. ____
(2018) (quoting *Barber v. Thomas*, 560 U.S. 474, 504 (2010) (Kennedy, J., dissenting)) (slip op., at 8-9).
"[A]ny amount of actual jail time "is significant... And has exceptionally severe consequences for the
incarcerated individual [and] for society which bears the direct and indirect cost of incarceration." *Id.*,
(slip op., at p.9). The possibility of additional jail time thus warrants serious consideration in a
determination whether to exercise discretion under rule 52(b).

1 The plain error in this case satisfies all four(4) *Olano*-prongs based on the following points:

2 First *Olano* Prong.

3 1). Plain error "review of the entire record," shall evidence that petitioner, in no way, either "waived or
4 forfeited" his rights under 28 u.s.c. sub.sec. 2253, to file a actual motion/application for COA, in order
5 to make a substantial showing of the denial of a constitutional right(s); and further show that jurist of
6 reason could disagree with the District Court denial of a COA, without a COA first being filed; and the
7 denial of the constitutional claims raised in petitioner's federal habeas corpus petition; moreover, jurist
8 of reason could conclude the issues presented are adequate to deserve encouragement to proceed further.

9 "[F]orfeiture" is defined as "the failure to make the timely assertion of a right." *Olano*, 507 U.S.
10 At 733. A right is "forfeited" if counsel "fail[s] to raise the argument," whereas, a right is waived if it is
11 "intentionally relinquished or abandoned" by a defendant. *Puckett v. U.S.*, 556 U.S. 129, 138 (2009).

12 A waiver of petitioner's right to file a motion/application for COA under the provision of 28 u.s.c.
13 sub.sec. 2253, must be "knowing, voluntary, and intelligent," according to the principles enunciated in-
14 *Whitmore v. Arkansas*, 495 U.S. 149, 165 (1990); and *Moran v. Burbine*, 475 U.S. 412, 421 (1986).

15 A review of the entire record shall cogently-evidence that petitioner has utilized due diligence in
16 efforts to protect his legal and liberty interests, by filing the following document(s), for his constitutional
17 claims to be fairly heard on the merits:

- 18 a). In the District Court, on December 16, 2016, petitioner timely filed a notice of
19 appeal;
- 20 b). In the District Court on December 30, 2016, petitioner timely filed a motion
21 for reconsideration;
- 22 c). In this court, on February 10, 2017, petitioner filed a application for COA;
- 23 d). In this court, on September 14, 2017, petitioner filed a motion for
24 reconsideration;
- 25 e). In this court on aprox, January 10, 2018, petitioner filed a motion for writ of
26 mandamus, ect, request for the court to vacate its November 8, 2016 Order
27 denying Petitioner's motion for reconsideration, ect (pending).

28 This court strongly require and approve such due diligence. See e.g. *Phelps v. Alameida*, 569 F.3d
1120, 1137 (9th Cir. 2009) ("We cannot imagine a more sterling example of diligence then *Phelps* has
exhibited.' At every stage of his case over the past decade, *Phelps* has pressed all possible avenues of
relief, has been remarkably undeterred by the repeated and often unjustified setbacks he has suffered,
and has put forward cogent, compelling, and correct legal arguments, at times doing so without the
benefit of professional legal advice.' No one should have to work so hard to have the merits of his
constitutional claims reviewed by a Federal Judge.").

Second *Olano* Prong.

2). The District Court denying a COA, without a motion/application for COA actually being filed
"irreparably-divest" petitioner of the federal right to be heard, under 28 u.s.c. sub.sec. 2253; and such
denial conflict with the U.S. Supreme Court decisions rendered in *Buck v. Davis*, 137 S.Ct. 759 (2017);
and *Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003).

1 "Deviation from a legal rule is 'error' unless the rule has been waived." *Olano*, 507 U.S. at 732-
2 733; see also e.g. *U.S. v. Andrews*, 681 F.3d 509, 521 (3rd Cir. 2012) (error clear and obvious when jury
3 given incorrect instructions because subsequent Supreme Court precedent clarified law,...).

3 Third *Olano* Prong.

4 3). The District Court's plain-error by denying a COA, without a COA first being filed, applying a
5 "incorrect standard of review," irreparably-divested petitioner of the right under 28 u.s.c. sub.sec. 2253,
6 to have his opposition and objections heard on the merits, before final judgment, rendered the federal
7 COA procedure fundamentally unfair, "severely affected substantial rights detrimental to petitioner."

8 4). Petitioner's liberty is severely at stake. Petitioner is actually innocent. Petitioner's conviction and
9 sentence is the product of multiple constitutional rights violations, committed in the state trial court,
10 constituting a miscarriage of Justice. The conviction is based on insufficient evidence; suggestive
11 identification; suppressed alibi evidence, ect.

12 5). A key prosecution witness testified that the perpetrator of the crime (robbery) had "Negroid
13 features." It was never established during the state trial, exactly, what special or distinctive
14 characteristic, related to the perpetrator's "Negroid features." Petitioner, who, is African-American, was
15 convicted for simply having "Negroid features."

16 The District Court's COA review procedure, clearly affected petitioner's substantial rights, and
17 jurist of reason could agree. see *Buck v. Davis*, 137 S.Ct. 759, 777 (2017) ("... a litigant seeking a COA
18 must demonstrate that a procedural ruling barring relief is itself debatable among jurist of reason..."). see
19 also *Id.*, at 778 ("... discrimination on the basis of race, odious in all aspects, is especially pernicious in
20 the administration of justice.").

21 "Regardless of its ultimate reasonableness, a sentence that lacks reliability because of unjust
22 procedures may well undermine public perception of the proceedings. *Rosales-Mireles v. United States*,
23 585 U.S. ____ (2018) (slip op., at p. 13) (citing Hollander-Bloomoff: *The psychology of Procedural*
24 *Justice in the Federal Courts*, 63 *Hastings L.J.* 127, 132-134 (2011) (compilation of psychology research
25 showing that the fairness of procedures influence perceptions of outcomes).

26 Fourth *Olano* Prong.

27 6). The District Court's COA-policy, by denying COA, without a motion/application for COA first
28 being filed, deviate from the congressional intent of 28 u.s.c. sub.sec. 2253; and conflict with the United
States Supreme Court decisions rendered in *Buck v. Davis*, 137 S.Ct. 759 (2017); and *Miller-El v.*
Cockrell, 537 U.S. 322, 336 (2003), thereby, rendering the COA procedure fundamentally unfair.

7). It is well established that courts "should" correct a [plain error] that affects substantial rights "if
the error 'seriously affects the fairness, integrity, or public reputation of judicial proceedings'." *Rosales-*
Mireles, 585 U.S. ____ (slip op., at p. 6). It is crucial in maintaining public perception of fairness and
integrity in the Justice system that court's exhibit regard for fundamental rights and respect for prisoners
"as people." *Id.*, at p. 9 (slip op.).

"What reasonable citizen wouldn't bear a rightly diminished view of the judicial process and its
integrity if [courts refused to correct obvious errors] of [their own device] that threaten to require
individuals to linger longer in federal prison than the law demands?" *Rosales-Mireles*, 585 U.S. ____
(slip op., at p. 10) (quoting *United States v. Sabillon-Umana*, 772 F.3d 1328, 1333-1334 (10th Cir. 2014)
(Gorsuch, J.)).

1
2 **VII. JURIST OF REASON COULD DEBATE THE DISTRICT**
3 **DENYING COA, WITHOUT A COA ACTUALLY**
4 **FILED, CONSTITUTE EXCEPTIONAL**
5 **CIRCUMSTANCES JUSTIFYING RELIEF UNDER**
6 **FED.R.CIV.P., RULE 60 (b)(6).**

7 In this court on September 14, 2017, petitioner filed a motion for reconsideration; and on January
8 10, 2018, petitioner filed a petition for writ of mandamus, ect, which requested for the court to vacate its
9 November 8, 2016 Order denying petitioner's motion for reconsideration (still pending). In order to have
10 my legal claims fairly heard on the merits, I hope that I do not have to suffer the length of time as
11 federal petitioners in *Buck v. Davis*, and *Phelps v. Alameida*. *Buck*, 37 S.Ct. At 769 (His case has/then
12 entered a labyrinth of state and federal collateral review, where it has wandered for the better part of two
13 decades); (for over 11 years, Kevin Phelps has sought to present his petition for habeas corpus to a
14 federal judge. For over 11 years he has been unsuccessful).

15 Rule 60(b) vests wide discretion in courts, but we have held that relief under Rule 60(b)(6) is
16 available only in "extraordinary circumstances." *Buck*, 137 S.Ct. At 777-778. In determining whether
17 extraordinary circumstances are present, a court may consider a wide range of factors. *Id.*, at p. 778.
18 These may include, in an appropriate case, "the risk of injustice to the parties" and "the risk of
19 undermining the public's confidence in the judicial process." *Id.* (citations omitted).

20 "We too believe that a central purpose of Rule 60(b) is to correct erroneous legal judgments that,
21 if left uncorrected, would prevent the true merits of a petitioner's constitutional claims from ever being
22 heard. In such instances, including the case presently before us, this factor will cut in favor of granting
23 Rule 60(b)(6) relief. *Phelps*, 569 F.3d at 1140.

24
25 **VIII. POSSIBLE SUPPLEMENTAL ARGUMENTS.**

26 Should this court determine necessary, petitioner seek to present two additional questions in order
27 to file supplement arguments on the following legal issues:

- 28
- 29 i). Whether the District Court denying a COA, without petitioner actually filing
30 a motion for COA, conflicting with the congressional intent of 28 u.s.c. 2253,
31 violate the federal separation of power doctrine?
 - 32 ii). Whether the District Court denying a COA, without petitioner actually
33 filing a motion for COA, conflicting with the procedure mandated by
34 28 u.s.c. sub.sec. 2253, violated petitioner's rights under the procedural
35 due process clause?

36 **IX. CONCLUSION AND RELIEF.**

37 Wherefore, petitioner respectfully request for the court to grant the following:

- 38 (1). Grant Rule 60(b)(6) relief in its entirety;

- 1 (2). In conjunction with this instant motion, hear on the merits, petitioner's pending
petition for writ of mandamus, ect;
- 2 (3). Vacate the court's November 8, 2016 Order denying petitioner's Motion
3 For Reconsideration;
- 4 (4). Resolve all question(s) presented on the merits;
- 5 (5). Schedule an evidentiary hearing;
- 6 (6). If determined necessary, allow petitioner to brief supplemental arguments;
- 7 (7). Should the court determine necessary, allow petitioner the opportunity
8 to file an amended COA;
- 9 (8). And any other, and further relief that this court deem fair and just.

10 I declare under the penalty of perjury, that the foregoing is true and correct.

11 **Date:** October 21, 2019

12 Respectfully-submitted,

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14 _____
15 Mr. GLENN SUNKETT
16 CDC# AF-1727
17 PETITIONER IN PRO-PER
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