

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 21 2020

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

JESUS EMMANUEL JARA,

No. 19-17085

Petitioner-Appellant,

D.C. No. 2:17-cv-01090-DWL

v.

MEMORANDUM*

CHARLES L. RYAN; ATTORNEY
GENERAL FOR THE STATE OF
ARIZONA,

Respondents-Appellees.

Appeal from the United States District Court
for the District of Arizona
Dominic W. Lanza, District Judge, Presiding

Submitted July 14, 2020**

Before: CANBY, FRIEDLAND, and R. NELSON, Circuit Judges.

Arizona state prisoner Jesus Emmanuel Jara appeals pro se from the district court's judgment dismissing his 28 U.S.C. § 2254 habeas petition. We have jurisdiction under 28 U.S.C. § 2253. Reviewing de novo, *see Patterson v. Stewart*,

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

251 F.3d 1243, 1245 (9th Cir. 2001), we affirm.

The district court concluded that Jara's habeas petition was untimely and that his claims failed on the merits. It also granted a certificate of appealability ("COA") on the basis that jurists of reason could find these conclusions debatable. On appeal, Jara has not addressed the timeliness of his petition, or the merits of his claims, and has thereby waived any challenge to the district court's dismissal. *See Styers v. Schriro*, 547 F.3d 1026, 1028 n.3 (9th Cir. 2008) (certified claims not addressed in the opening brief are waived).

Jara contends that the lower courts violated his right to counsel on appeal, and that the state deprived him of his right to challenge his conviction or sentence by foreclosing his claim of ineffective assistance of appellate counsel. We treat these claims as a motion to expand the COA, and we deny the motion. *See* 9th Cir. R. 22-1(e); *Hiivala v. Wood*, 195 F.3d 1098, 1104-05 (9th Cir. 1999).

AFFIRMED.