

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 26 2024

FOR THE NINTH CIRCUIT

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

DEMITRIS SULLIVAN,

Petitioner - Appellant,

v.

ROBERT G. LUNA,

Respondent - Appellee.

No. 24-339

D.C. No. 2:22-cv-07910-JWH-MAA

MEMORANDUM\*

Appeal from the United States District Court  
for the Central District of California  
John W. Holcomb, District Judge, Presiding

Submitted September 17, 2024\*\*

Before: WARDLAW, BADE, and H.A. THOMAS, Circuit Judges.

Demitris Sullivan appeals from the district court's judgment dismissing without prejudice his 28 U.S.C. § 2241 habeas petition. We dismiss for lack of jurisdiction.

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\* 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).

Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Sullivan’s counsel has filed a brief stating that there are no grounds for relief, along with a motion to withdraw as counsel of record. We have provided Sullivan the opportunity to file a pro se supplemental brief. No pro se supplemental brief or answering brief has been filed.

Sullivan’s § 2241 petition alleged claims regarding his ongoing criminal prosecutions in Los Angeles County Superior Court and his state competency proceedings. Because Sullivan’s § 2241 petition challenged his detention arising out of process issued by a state court, he was required to obtain a certificate of appealability (“COA”) to proceed with this appeal. *See Wilson v. Belleque*, 554 F.3d 816, 825 (9th Cir. 2009). However, Sullivan did not obtain a COA and we decline to grant one because our independent review of the record pursuant to *Person v. Ohio*, 488 U.S. 75, 80 (1988), reflects that “jurists of reason would [not] find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would [not] find it debatable whether the district court was correct in its procedural ruling.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); *see also* 28 U.S.C. § 2253(c)(2); *Gonzalez v. Thaler*, 565 U.S. 134, 140-41 (2012); *Wilson*, 554 F.3d at 825-26. We, therefore, dismiss this appeal for lack of jurisdiction. *See United States v. Mikels*, 236 F.3d 550, 552 (9th Cir. 2001).

Counsel's motion to withdraw is **GRANTED.**

**DISMISSED.**