

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUN 30 2025

FOR THE NINTH CIRCUIT

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

ROY RUSS,

No. 22-17003

Petitioner-Appellant,

D.C. No. 1:21-cv-01592-HBK

v.

MEMORANDUM*

BRANDON PRICE, Executive Director,
Coalinga State Hospital,

Respondent-Appellee.

Appeal from the United States District Court
for the Eastern District of California
Helena M. Barch-Kuchta, Magistrate Judge, Presiding**

Submitted June 18, 2025***

Before: CANBY, S.R. THOMAS, and SUNG, Circuit Judges.

Roy Russ appeals from the district court's order denying his 28 U.S.C.
§ 2254 habeas petition.

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

** The parties consented to proceed before a magistrate judge. *See* 28 U.S.C. § 636(c).

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

Russ's counsel filed a brief under *Anders v. California*, 386 U.S. 738 (1967), stating that there are no non-frivolous arguments for appeal. Russ has filed a pro se supplemental brief.

Our independent review of the record, *see Penson v. Ohio*, 488 U.S. 75, 80 (1988), discloses no basis for relief on the issue certified for appeal. *See Graves v. McEwen*, 731 F.3d 876, 880-81 (9th Cir. 2013). The state court's rejection of Russ's equal protection claim was not contrary to, nor an unreasonable application of, clearly established Supreme Court law. *See* 28 U.S.C. § 2254(d)(1); *Taylor v. San Diego Cnty.*, 800 F.3d 1164, 1170-71 (9th Cir. 2015).

We decline to expand the certificate of appealability to cover the uncertified issues identified in Russ's pro se brief and the counseled *Anders* brief. *See* 28 U.S.C. § 2253(c)(2); 9th Cir. R. 22-1(e); *Hiivala v. Wood*, 195 F.3d 1098, 1104-05 (9th Cir. 1999).

Counsel's motion to withdraw is granted.

AFFIRMED.