

FILED
United States Court of Appeals
Tenth Circuit

PUBLISH

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

November 7, 2022

Christopher M. Wolpert
Clerk of Court

RALPH LEROY MENZIES,
Petitioner - Appellant,

v.

ROBERT POWELL, Warden of the
Utah State Penitentiary,
Respondent - Appellee.

No. 19-4042

Appeal from the United States District Court
for the District of Utah
(D.C. No. 2:03-CV-00902-CVE-FHM)

Lindsey Layer, Assistant Federal Public Defender (Jon M. Sands, Federal Public Defender, and Eric Zuckerman, Assistant Federal Public Defender, with her on the briefs), Phoenix, Arizona, for Petitioner-Appellant.

Erin Riley, Assistant Solicitor General (Sean D. Reyes, Utah Attorney General, Andrew F. Peterson and Aaron G. Murphy, Assistant Solicitors General, with her on the briefs), Salt Lake City Utah, for Respondent-Appellee.

Before **HARTZ**, **BACHARACH**, and **EID**, Circuit Judges.

BACHARACH, Circuit Judge.

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