

A P P E N D I X

APPENDIX A

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED
JUN 26 2017
CLERK, U.S. DISTRICT COURT
By _____ Deputy

JIMMY STEELE,

S

Movant,

S

VS.

S

UNITED STATES OF AMERICA,

S

Respondent.

S

NO. 4:17-CV-515-A
(NO. 4:08-CR-087-A)

ORDER

Came on for consideration the motion of Jimmy Steele under 28 U.S.C. § 2255 to vacate, set aside, or correct sentence by a person in federal custody. This is a second or successive motion under 28 U.S.C. § 2255. See Civil Action Nos. 4:11-CV-237-A & 4:16-CV-588-A. Movant not having obtained leave to file the motion, the court lacks jurisdiction to consider it. 28 U.S.C. § 2255(h).

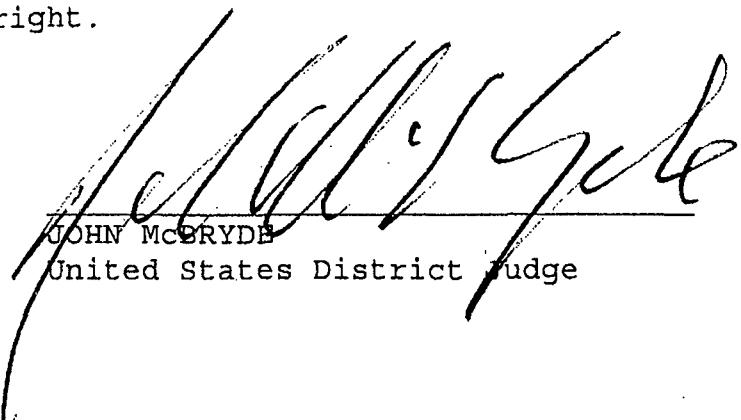
The court ORDERS that the above-referenced motion be, and is hereby, dismissed for lack of jurisdiction.

Pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure, Rule 11(a) of the Rules Governing Section 2255 Proceedings for the United States District Courts, and 28 U.S.C. § 2253(c)(2), for the reasons discussed herein, the court further ORDERS that a certificate of appealability be, and is hereby, denied, as movant has not made a substantial showing of the

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denial of a constitutional right.

SIGNED June 26, 2017.


JOHN McCRARY
United States District Judge

JUN 26 2017

CLERK, U.S. DISTRICT COURT
By _____ Deputy

APPENDIX A

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

JIMMY STEELE,

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Movant,

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NO. 4:17-CV-515-A

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(NO. 4:08-CR-087-A)

UNITED STATES OF AMERICA,

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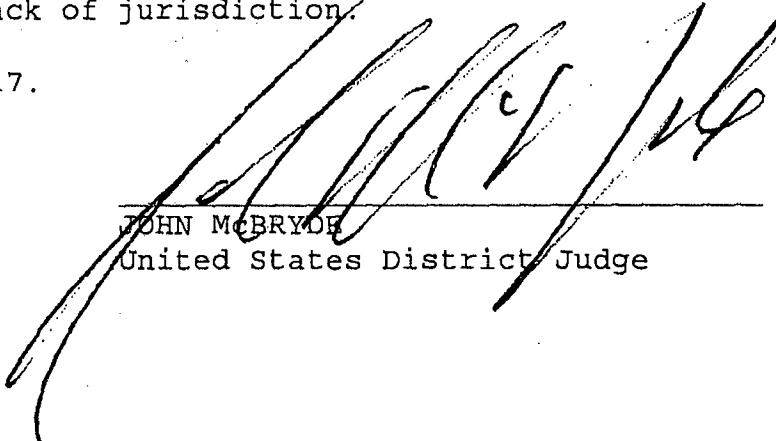
Respondent.

§

FINAL JUDGMENT

In accordance with the court's order signed this date,
The court ORDERS, ADJUDGES, and DECREES that the motion of
Jimmy Steele under 28 U.S.C. § 2255 to vacate, set aside, or
correct sentence by a person in federal custody be, and is
hereby, dismissed for lack of jurisdiction.

SIGNED June 26, 2017.


JOHN MCBRYDE
United States District Judge

APPENDIX B

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 17-10743

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JIMMY STEELE,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas

ORDER:

Jimmy Steele, federal prisoner # 36989-177, was sentenced to 360 months of imprisonment following his convictions for possession of 500 grams or more of cocaine with intent to distribute in violation of 21 U.S.C. § 841(a)(1), (b)(1)(B), possession of a firearm in furtherance of a drug trafficking offense in violation of 18 U.S.C. § 924(c), and possession of a firearm by a convicted felon in violation of 18 U.S.C. § 922(g)(1). He seeks a certificate of appealability (COA) to appeal the district court's dismissal of his 28 U.S.C. § 2255 motion for lack of jurisdiction as an unauthorized successive § 2255 motion.

To obtain a COA, Steele must make "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2); *See Slack v. McDaniel*, 529 U.S. 473, 483 (2000). When the district court's denial of relief is based on procedural grounds, as herein, a COA may not issue unless the prisoner shows

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No. 17-10743

that "jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling." *Slack*, 529 U.S. at 484. A movant satisfies the COA standard by showing, *inter alia*, that reasonable jurists could conclude that "the issues presented are adequate to deserve encouragement to proceed further." *Miller-El v. Cockrell*, 537 U.S. 322, 327 (2003).

Steele has not made the requisite showing. *See Slack*, 529 U.S. at 484. Accordingly, his motion for a COA is DENIED.



A True Copy
Certified order issued Mar 06, 2018

Tyler W. Cawley
Clerk, U.S. Court of Appeals, Fifth Circuit

/s/ Patrick E. Higginbotham

PATRICK E. HIGGINBOTHAM
UNITED STATES CIRCUIT JUDGE

APPENDIX C

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 17-10743

UNITED STATES OF AMERICA,

Plaintiff - Appellee

v.

JIMMY STEELE,

Defendant - Appellant

Appeal from the United States District Court
for the Northern District of Texas

ON PETITION FOR REHEARING EN BANC

Before HIGGINBOTHAM, JONES, and COSTA, Circuit Judges.

PER CURIAM:

(✓) No member of the panel nor judge in regular active service of the court having requested that the court be polled on Rehearing En Banc (FED. R. APP. P. and 5TH CIR. R. 35), the Petition for Rehearing En Banc is DENIED.

() The court having been polled at the request of one of the members of the court and a majority of the judges who are in regular active service and not disqualified not having voted in favor (FED. R. APP. P. and 5TH CIR. R. 35), the Petition for Rehearing En Banc is DENIED.

APPENDIX C

ENTERED FOR THE COURT:

Date of issuance
UNITED STATES CIRCUIT JUDGE