

CLD-224

May 31, 2018

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. **18-1403**

JORGE CINTRON, Appellant

VS.

SUPERINTENDENT GRATERFORD SCI; ET AL.

(E.D. Pa. Civ. No. 2-05-cv-03478)

Present: CHAGARES, GREENAWAY, Jr., and FUENTES, Circuit Judges

Submitted is Appellant's application for a certificate of appealability under 28 U.S.C. § 2253(c)(1) in the above-captioned case.

Respectfully,
Clerk

ORDER

Appellant's request for a certificate of appealability is denied because reasonable jurists would not debate the District Court's decision to deny his Fed. R. Civ. P. 60(b) motion or his subsequent motion for reconsideration. See Slack v. McDaniel, 529 U.S. 473, 484 (2000); Pridgen v. Shannon, 380 F.3d 721, 727 (3d Cir. 2004). In particular, Cintron's reliance on Dennis v. Sec'y, Pa. Dep't of Corr., 834 F.3d 263 (3d Cir. 2016), is misplaced, as it does not undermine the District Court's determination that his habeas petition filed pursuant to 28 U.S.C. § 2254 was untimely filed. See also Cox v. Horn, 757 F.3d 113, 123 (3d Cir. 2014) (a change in decisional law by itself will "*rarely* constitute the extraordinary circumstances required for relief under Rule 60(b)(6).") (emphasis in original) (citation omitted).

By the Court,

s/Michael A. Chagares
Circuit Judge

Dated: June 20, 2018
ARR/cc: JC; MCK