

A P P A

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

David J. Smith
Clerk of Court

For rules and forms visit
www.ca11.uscourts.gov

June 20, 2018

Darrell Brown
FCI Coleman Medium - Inmate Legal Mail
PO BOX 1032
COLEMAN, FL 33521-1032

Appeal Number: 18-10298-H
Case Style: Darrell Brown v. USA
District Court Docket No: 1:12-cv-23704-PCH
Secondary Case Number: 1:09-cr-20468-PCH-2

This Court requires all counsel to file documents electronically using the Electronic Case Files ("ECF") system, unless exempted for good cause.

The enclosed order has been ENTERED.

Sincerely,

DAVID J. SMITH, Clerk of Court

Reply to: Gerald B. Frost, H
Phone #: (404) 335-6182

MOT-2 Notice of Court Action

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 18-10298-H

DARRELL BROWN,

Petitioner-Appellant,

versus

UNITED STATES OF AMERICA,

Respondent-Appellee.

Appeal from the United States District Court
for the Southern District of Florida

Before: WILSON and ROSENBAUM, Circuit Judges.

BY THE COURT:

Darrell Brown has filed a motion for reconsideration, pursuant to 11th Cir. R. 22-1(c) and 27-2, of this Court's March 29, 2018, order, denying a certificate of appealability to appeal the district court's denial of his Fed. R. Civ. P. 60(b)(6) and 59(e) motions in his underlying 28 U.S.C. § 2255 proceeding. Upon review, his motion for reconsideration is DENIED because he has offered no meritorious arguments to warrant relief.

A P P B

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March 29, 2018

Darrell Brown
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Appeal Number: 18-10298-H
Case Style: Darrell Brown v. USA
District Court Docket No: 1:12-cv-23704-PCH
Secondary Case Number: 1:09-cr-20468-PCH-2

The enclosed copy of this Court's order denying the application for a Certificate of Appealability is issued as the mandate of this court. See 11th Cir. R. 41-4. Counsel and pro se parties are advised that pursuant to 11th Cir. R. 27-2, "a motion to reconsider, vacate, or modify an order must be filed within 21 days of the entry of such order. No additional time shall be allowed for mailing."

Sincerely,

DAVID J. SMITH, Clerk of Court

Reply to: Gerald B. Frost, H
Phone #: (404) 335-6182

Enclosure(s)

DIS-4 Multi-purpose dismissal letter

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 18-10298-H

DARRELL BROWN,

Petitioner-Appellant,

versus

UNITED STATES OF AMERICA,

Respondent-Appellee.

Appeal from the United States District Court
for the Southern District of Florida

ORDER:

Darrell Brown seeks a certificate of appealability ("COA"), in order to appeal the denials of motions seeking relief from the denial of his underlying 28 U.S.C. § 2255 motion to vacate sentence. To merit a COA, Brown must demonstrate that "reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong," or that the issues "deserve encouragement to proceed further." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (quotations omitted). Brown has not made such a showing, and his motion for COA is DENIED.

/s/ Charles R. Wilson
UNITED STATES CIRCUIT JUDGE

A P P C

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 12-CIV-23704-HUCK/WHITE**

DARRELL BROWN,

Movant,

v.


UNITED STATES OF AMERICA,

Respondent.

ORDER DENYING MOTION FOR RELIEF

This matter is before the Court on Movant Darrell Brown's Fed. R. Civ. P. 60 Motion for Relief from Final Judgment, Order, or Proceeding [D.E. 28]. The Court has considered the Motion, the Government's Response, and prior rulings of the Court relevant to the Motion (in case no. 12-CIV-23308). In summary, the Movant contends that in its prior rulings, the Court failed to consider all of his arguments in support of his ineffectiveness of assistance of counsel claim. The Court rejects Movant's contention because the Court has previously considered all Movant's ineffectiveness of assistance of counsel arguments and denied them, which denial was affirmed on appeal. Accordingly, the Motion is DENIED.

DONE and ORDERED in Chambers, Miami, Florida, on September 25, 2017.


Paul C. Huck
United States District Judge

Copies furnished to:
Magistrate Judge Patrick White
All Counsel of Record
Darrell Brown, *pro se*
93572-071
Coleman Medium
Federal Correctional Institution
Inmate Mail/Parcels
Post Office Box 1032
Coleman, FL 33521-1032

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO.: 12-CV-23704-HUCK

DARREL BROWN,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

ORDER DENYING CERTIFICATE OF APPEALABILITY

THIS MATTER is before the Court upon Petitioner's Notice of Appeal [D.E. 50]. The Court shall *sua sponte* consider Petitioner's Notice of Appeal [D.E. 50] as a Motion for Certificate of Appealability, and it was docketed as such [D.E. 51] on the same day that the Notice of Appeal was filed, January 19, 2018. The Court has reviewed the Notice of Appeal and is otherwise duly advised. The Court finds that there is no substantial showing of a denial of a constitutional right. Accordingly, it is

ORDERED AND ADJUDGED that a Certificate of Appealability **SHALL NOT ISSUE**.

DONE and ORDERED in Chambers, Miami, Florida, January 25, 2018.


Paul C. Huck
United States District Judge

Copies furnished to:
Counsel of Record

Darrell Brown, #93572-071
Coleman Medium FCI
Inmate Mail/Parcels
Post Office Box 1032
Coleman, FL 33521
PRO SE

A P P D

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 12-23704-CIV-HUCK/WHITE

DARRELL BROWN,

Movant,

v.

UNITED STATES OF AMERICA,

Respondent.

ORDER ON MOTION FOR RECONSIDERATION

THIS CAUSE is before the Court upon Movant Darrell Brown's Motion for Reconsideration pursuant to Federal Rule of Civil Procedure 59(e) [D.E. No. 45], filed October 16, 2017. The Court has reviewed the Motion and the Government's Response [D.E. No. 45], and is duly advised in the premises.

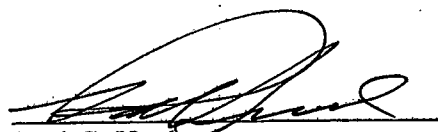
"The only grounds for granting [a Rule 59] motion are newly-discovered evidence or manifest errors of law or fact." *Arthur v. King*, 500 F.3d 1335, 1343 (11th Cir. 2007) (quoting *In re Kellogg*, 197 F.3d 1116, 1119 (11th Cir. 1999)). "[A] Rule 59(e) motion [cannot be used] to relitigate old matters, raise argument or present evidence that could have been raised prior to the entry of judgment." *Michael Linet, Inc. v. Village of Wellington, Fla.*, 408 F.3d 757, 763 (11th Cir. 2005). "In order to reconsider a judgment there must be a reason why the court should reconsider its prior decision, and [the moving party] must set forth facts or law of a strongly convincing nature to induce the court to reverse its prior decision." *Sussman v. Salem, Saxon & Nielsen, P.A.*, 153 F.R.D. 689, 694 (M.D. Fla. 1994).

The Court finds that no grounds for reconsideration are present in this case. As the Court noted in its September 25, 2017, order [D.E. No. 44], the issues that Brown continues to raise

have been analyzed before by this Court and the Eleventh Circuit and have been resolved against Movant. Accordingly, it is hereby

ORDERED that Movant's Motion for Reconsideration is DENIED.

DONE AND ORDERED in Chambers, Miami, Florida on November 27, 2017.



Paul C. Huck
United States District Judge

Copies furnished to:

Magistrate Judge Patrick White
All Counsel of Record
Darrell Brown, *pro se*
93572-071
Coleman Medium
Federal Correctional Institution
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Post Office Box 1032
Coleman, FL 33521

A P P E

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 12-CIV-23704-HUCK/WHITE

DARRELL BROWN,

Movant,

v.

UNITED STATES OF AMERICA,

Respondent.

ORDER DENYING MOTION FOR RELIEF

This matter is before the Court on Movant Darrell Brown's Fed. R. Civ. P. 60 Motion for Relief from Final Judgment, Order, or Proceeding [D.E. 28]. The Court has considered the Motion, the Government's Response, and prior rulings of the Court relevant to the Motion (in case no. 12-CIV-23308). In summary, the Movant contends that in its prior rulings, the Court failed to consider all of his arguments in support of his ineffectiveness of assistance of counsel claim. The Court rejects Movant's contention because the Court has previously considered all Movant's ineffectiveness of assistance of counsel arguments and denied them, which denial was affirmed on appeal. Accordingly, the Motion is DENIED.

DONE and ORDERED in Chambers, Miami, Florida, on September 25, 2017.



Paul C. Huck
United States District Judge

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All Counsel of Record
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