

APPENDIX A

CLD-173

April 5, 2018

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUITC.A. No. **18-1061**

MARIO GRIFFIN, Appellant

VS.

SUPERINTENDENT ALBION SCI, ET AL.

(E.D. Pa. Civ. No. 2-17-cv-05131)

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

Submitted is Appellant's notice of appeal, which may be construed as a request for a certificate of appealability under 28 U.S.C. § 2253(c)(1) in the above-captioned case.

Respectfully,

Clerk

ORDER

The foregoing application for a certificate of appealability is denied. Jurists of reason would not debate the District Court's conclusion that Appellant's November 2017 petition pursuant to 28 U.S.C. § 2254 was a second or successive § 2254 petition filed without the requisite authorization of this Court. See Burton v. Stewart, 549 U.S. 147, 157 (2007) (per curiam); Slack v. McDaniel, 529 U.S. 473, 483-84 (2000).

By the Court,

s/Michael A. Chagares
Circuit Judge

Dated: June 4, 2018



A True Copy:

A handwritten signature in blue ink that reads "Patricia S. Dodsweat".

Patricia S. Dodsweat, Clerk
Certified Order Issued in Lieu of Mandate

APPENDIX B

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FILED

MARIO GRIFFIN,

Petitioner,

DEC 18 2017

v.

By KATE BARNHART, Clerk
Dep. Clerk

Civ. No. 17-5131

MICHAEL CLARK et al.,

Defendants.

ORDER

On November 14, 2017, Petitioner Mario Griffin filed his second petition for *habeas* relief pursuant to 28 U.S.C. § 2254 and an Application to Proceed *In Forma Pauperis*. (Doc. No. 1.) On August 25, 2010, I considered and denied Petitioner's first § 2254 petition. Mario L. Griffin v. Raymond Sabino et al., 10-cv-00110 (E.D. Pa. 2010). On December 13, 2010, the Third Circuit denied Petitioner's appeal and request for a certificate of appealability. (Doc. No. 23, Civ. No. 10-110).

Petitioner cannot file a second or successive petition for *habeas* relief without first seeking and receiving approval from the United States Court of Appeals for the Third Circuit. See Benchoff v. Colleran, 404 F.3d 812, 817 (3d Cir. 2005.) Absent such authorization, I am not permitted to consider the merits of the subsequent petition. 28 U.S.C. § 2244(b)(3)(A); Robinson v. Johnson, 313 F.3d 128, 139–40 (3d Cir. 2002).

ENTERED

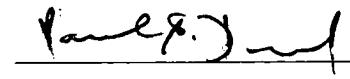
DEC 19 2017

CLERK OF COURT

AND NOW this 18th day of December, 2017, it is hereby **ORDERED** that:

1. The Petition (Doc. No. 1) filed in this matter is **DISMISSED** for lack of subject matter jurisdiction;
2. The **CLERK OF COURT** shall **CLOSE** this matter; and
3. A certificate of appealability shall not issue because no reasonable jurist would debate the correctness of this Court's procedural ruling. See Slack v. McDaniel, 529 U.S. 473, 484 (2000).

AND IT IS SO ORDERED.



Paul S. Diamond, J.

APPENDIX C

Docket I APP C

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA
CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA

CP-23-CR-4527-2004

v.

Mario Griffin

ORDER

AND NOW, to wit, this 21st day of June 2016, upon consideration of Petitioner's Post-Conviction Relief Act Petition filed on April 1, 2016, and having given Petitioner notice of the court's intent to dismiss without a hearing and an opportunity to respond thereto by Order entered on May 20, 2016, and Petitioner's Response on filed on May 30, 2016, it is hereby ORDERED and DECREED that said petition is **DISMISSED**. There are no genuine issues of fact, Petitioner is not entitled to post-conviction collateral relief, and no purpose would be served by any further proceedings.

Petitioner has the right to appeal the decision of the Court. Such appeal must be in writing and be filed with the Office of Judicial Support of Delaware County within thirty (30) days after the entry of this Order.

BY THE COURT:

John P. Capuzzi, Sr.

J.

Cc: A. Sheldon, Kovach, Esquire, Deputy District Attorney
CERTIFIED MAIL/RETURN RECEIPT REQUESTED
Mario Griffin, GH2609
10745 Route 18
Albion, PA 16475-0001

APPENDIX D

APP. D

IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT

COMMONWEALTH OF PENNSYLVANIA, : No. 344 MAL 2017
Respondent : Petition for Allowance of Appeal from
v. : the Order of the Superior Court
MARIO L. GRIFFIN, :
Petitioner :

ORDER

PER CURIAM

AND NOW, this 21st day of September, 2017, the Petition for Allowance of Appeal is **DENIED**.

A True Copy Elizabeth E. Zisk
As Of 9/21/2017

Attest: *Elizabeth E. Zisk*
Chief Clerk
Supreme Court of Pennsylvania