

United States Court of Appeals For the First Circuit

No. 17-1677

DAMON GRAHAM

Petitioner - Appellant

v.

UNITED STATES

Respondent - Appellee

ORDER OF COURT

Entered: August 17, 2017
Pursuant to 1st Cir. R. 27.0(d)

This court has docketed petitioner-appellant's appeal from the denial of his petition for writ of habeas corpus under 28 U.S.C. § 2255. The case cannot go forward unless a certificate of appealability issues. 28 U.S.C. § 2253. The district court declined to issue a certificate of appealability on June 19, 2017. Petitioner-appellant has filed a motion for a certificate of appealability in the court of appeals.

Accordingly, the above captioned case will be submitted to this court for a determination whether a certificate of appealability should issue. If a certificate is denied, the appeal will be terminated.

By the Court:

/s/ Margaret Carter, Clerk

cc:

Damon Graham
Donald Campbell Lockhart
Lee H. Vilker

OFFICE OF THE CLERK
UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

MARGARET CARTER
CLERK

JOHN JOSEPH MOAKLEY
UNITED STATES COURTHOUSE
1 COURTHOUSE WAY, SUITE 2500
BOSTON, MA 02210
(617) 748-9057

August 15, 2018

Damon Graham
Reg. No. 13787-014
FMC Devens
PO Box 879
Ayer, MA 01432

Re: United States v. Graham
Appeal No. 17-1677

Dear Mr. Graham:

This letter acknowledges receipt of your recent correspondence which was docketed in the above-referenced appeal on August 3, 2018, requesting a status update for your appeal. I have enclosed a copy of the docket sheet in this case as a courtesy. As it shows, the court received your motion for a certificate of appealability, and it is under consideration. You will be advised promptly once the court enters a decision.

I hope this information is helpful.

Sincerely,

/s/ Margaret Carter, Clerk

EJ

Encl.

cc:
Lee H. Vilker
Donald Campbell Lockhart

General Docket**United States Court of Appeals for the First Circuit**

Court of Appeals Docket #: 17-1677 **Docketed:** 07/11/2017
Nature of Suit: 2510 Motions to Vacate Sentence
Graham v. US
Appeal From: District Court of Rhode Island, Providence
Fee Status: in forma pauperis

Case Type Information:

- 1) civil
- 2) US a party civil case
- 3) motion to vacate

Originating Court Information:**District:** 0103-1 : 1:17-cv-00002-ML**Lead:** 1:13-cr-00132-ML-LDA-1**Ordering Judge:** Mary M. Lisi, U.S.
District Judge**Date Filed:** 01/04/2017

Date	Date	Date NOA	Date Rec'd
Order/Judgment:	Order/Judgment EOD:	Filed:	COA:
06/19/2017	06/19/2017	07/05/2017	07/05/2017

Prior Cases:

<u>14-1099</u>	Date Filed: 01/17/2014	Date Disposed: 02/13/2014	Disposition: Affirmed
<u>14-1120</u>	Date Filed: 01/28/2014	Date Disposed: 02/13/2014	Disposition: Dismissed
<u>14-2107</u>	Date Filed: 10/23/2014	Date Disposed: 10/27/2015	Disposition: Affirmed

Panel Assignment: Not available

DAMON GRAHAM (Federal Prisoner: 13787-014)
Petitioner - Appellant

Damon Graham
[NTC Pro Se]
FMC Devens
PO Box 879
Ayer, MA 01432-0000

v.

UNITED STATES
Respondent - Appellee

Donald Campbell Lockhart
[COR NTC Federal Government]
US Attorney's Office
50 Kennedy Plaza

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Providence, RI 02903-0000

Lee H. Vilker
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Providence, RI 02903-0000

DAMON GRAHAM

Petitioner - Appellant

v.

UNITED STATES

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07/11/2017	<input type="checkbox"/>		CIVIL CASE docketed. Notice of appeal (doc. #157) filed by Appellant Damon Graham. [17-1677] (GA) [Entered: 07/11/2017 03:08 PM]
			61 pg, 850.4 KB
07/19/2017	<input type="checkbox"/>		ORDER directing petitioner to file a request for a certificate of appealability in this court by 08/18/2017. Date of denial by district court: June 19, 2017. [17-1677] (GA) [Entered: 07/19/2017 09:59 AM]
			2 pg, 73.9 KB
08/16/2017	<input type="checkbox"/>		MOTION for certificate of appealability filed by Appellant Damon Graham. [17-1677] (GA) [Entered: 08/17/2017 04:38 PM]
			60 pg, 4.19 MB
08/17/2017	<input type="checkbox"/>		ORDER advising petitioner the request for a certificate of appealability will be submitted to this court for a decision. Date of denial by district court: June 19, 2017. [17-1677] (GK) [Entered: 08/17/2017 04:53 PM]
			1 pg, 9.63 KB
03/07/2018	<input type="checkbox"/>		NOTICE of appearance on behalf of Appellee US filed by Attorney DONALD C. LOCKHART, ESQ.. Certificate of service dated 03/07/2018. [17-1677] (DCL) [Entered: 03/07/2018 01:07 PM]
			1 pg, 109.77 KB
08/03/2018	<input type="checkbox"/>		MOTION for clarification or in the alternative a request for conference pursuant to Rule 33 filed by Appellant Damon Graham. [17-1677] (GA) [Entered: 08/03/2018 03:42 PM]
			3 pg, 625.89 KB

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