

APPENDIX 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

September 28, 2018

MEMORANDUM TO COUNSEL OR PARTIES

Appeal Number: 17-10485-AA

Case Style: Jahi Hasanati v. Secretary, Florida Department, et al
District Court Docket No: 1:15-cv-22610-MGC

The enclosed order has been entered on petition(s) for rehearing.

See Rule 41, Federal Rules of Appellate Procedure, and Eleventh Circuit Rule 41-1 for information regarding issuance and stay of mandate.

Sincerely,

DAVID J. SMITH, Clerk of Court

Reply to: Tonya L. Searcy, AA/lt
Phone #: (404) 335-6180

REHG-1 Ltr Order Petition Rehearing

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 17-10485-AA

JAHİ AMADI HASANATI,

Petitioner - Appellant,

versus

SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS,
ATTORNEY GENERAL, STATE OF FLORIDA,

Respondents - Appellees.

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

BEFORE: WILSON, JORDAN and JILL PRYOR, Circuit Judges.

PER CURIAM:

The petition(s) for panel rehearing filed by Appellant Jahi Amadi Hasanati is DENIED.

ENTERED FOR THE COURT:



UNITED STATES CIRCUIT JUDGE

ORD-41

17-10485

Jahi Amadi Hasanati

#D15084

Hamilton CI - Inmate Legal Mail

10650 SW 46TH ST

JASPER FL 32052

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 17-10485
Non-Argument Calendar

D.C. Docket No. 1:15-cv-22610-MGC

JAHI AMADI HASANATI,

Petitioner - Appellant,

versus

SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS,
ATTORNEY GENERAL, STATE OF FLORIDA,

Respondents - Appellees.

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

(June 22, 2018)

Before WILSON, JORDAN and JILL PRYOR, Circuit Judges.

PER CURIAM:

6/26/18

Jahi Amadi Hasanati, a Florida inmate proceeding *pro se*, appeals the district court's denial of his motion for reconsideration of an order denying his motion for relief from judgment under Federal Rule of Civil Procedure 60(b). After careful review of Hasanati's briefing—including his corrected brief—and the record, we affirm.

Hasanati was convicted of grand theft, conspiracy to commit grand theft, and racketeering under Florida law and sentenced to serve 45 years in prison. Since his conviction became final, he has sought postconviction relief in state and federal court through numerous filings. As relevant to this appeal, Hasanati filed in district court a *pro se* 28 U.S.C. § 2254 petition for a writ of habeas corpus and then an amended petition, in which he alleged that his arrest, extradition from New York to Florida, conviction, and imprisonment were unlawful because the statutes upon which they were based were invalid, not properly passed by the Florida legislature, and could not be authenticated by the Florida Secretary of State. The district court dismissed the petition without prejudice. Hasanati then filed a motion for a certificate of appealability (“COA”) and another motion challenging the validity of his statutes of conviction, which the district court construed as a motion for relief from the judgment dismissing his § 2254 petition under Rule 60(b). The district court denied his Rule 60(b) motion, concluding that Hasanati failed to “set forth facts or law of a strongly convincing nature” sufficient for relief from the

judgment, explaining that “[t]he theft and racketeering statutes he cite[d] in his motion are valid and enforceable state laws.” Doc. 41 at 2.¹ The district court denied Hasanati a COA. Upon his motion in our court, we also denied Hasanati a COA and then denied his motion for reconsideration of that denial.

Hasanati then filed another motion in the district court, which the court construed as a motion for reconsideration of its order denying his Rule 60(b) motion.² The district court denied Hasanati’s motion in a summary order largely without explanation, concluding that he had failed to “raise any new arguments to change the [court’s previous] ruling” on his Rule 60(b) motion. Doc. 64. The district court granted Hasanati a COA, however. This is Hasanati’s appeal.

We review the district court’s denial of a motion for reconsideration for an abuse of discretion. *Richardson v. Johnson*, 598 F.3d 734, 740 (11th Cir. 2010). A district court abuses its discretion when it fails to apply the proper legal standard or follow the proper procedures in making a determination, or when it makes findings of fact that are clearly erroneous. *Mincey v. Head*, 206 F.3d 1106, 1137 n.69 (11th Cir. 2000). A motion for reconsideration “cannot be used to relitigate old matters, raise argument[,], or present evidence that could have been raised prior to the entry of judgment.” *Richardson*, 598 F.3d at 740 (internal quotation marks

¹ “Doc. #” refers to the numbered entry on the district court’s docket.

² Hasanati does not appear to argue that his filings should have been construed differently than the district court construed them; therefore, we adopt these constructions.

omitted). We liberally construe *pro se* filings. *Tannenbaum v. United States*, 148 F.3d 1262, 1263 (11th Cir. 1998).

We discern no reversible error in the district court's denial of Hasanati's motion for reconsideration. Hasanati devotes the bulk of his argument on appeal to challenging the constitutionality of the statutes under which he was convicted and the district court's failure to strike the statutes as unconstitutional. But these arguments were made and rejected in his original § 2254 petition and Rule 60(b) motion and, therefore, were not proper bases for a motion for reconsideration. *See Richardson*, 598 F.3d at 740. Thus, Hasanati cannot show that the district court abused its discretion in denying his motion for reconsideration.

In his corrected brief, Hasanati also appears to argue that the district court violated his right to due process by summarily denying his motion for reconsideration without making factual findings or legal conclusions. Again, we disagree. Even assuming the district court was obliged to provide findings of fact or conclusions of law supporting its decision, here the court did so by expressly referring to its previous reasoned order denying Hasanati's Rule 60(b) motion as reason for denying his motion for reconsideration. Furthermore, the district court noted that Hasanati had failed to raise any new argument sufficient to justify reconsideration. Thus, the district court's order was not, as Hasanati argues, unsupported by facts or law.

For the foregoing reasons, the district court's order denying Hasanati's motion for reconsideration is affirmed.

AFFIRMED.

UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

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56 Forsyth Street, N.W.
Atlanta, Georgia 30303

David J. Smith
Clerk of Court

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September 07, 2018

Steven M. Larimore
U.S. District Court
400 N MIAMI AVE
MIAMI, FL 33128-1810

Appeal Number: 17-10485-AA
Case Style: Jahi Hasanati v. Secretary, Florida Department, et al
District Court Docket No: 1:15-cv-22610-MGC

The Clerk's Office has been directed to recall the mandate.

Sincerely,

DAVID J. SMITH, Clerk of Court

Reply to: Tonya L. Searcy, AA
Phone #: (404) 335-6180

MDT-3 Letter to DC Recalling Mandate

9/14/18

17-10485

Jahi Amadi Hasanati
#D15084
Hamilton CI - Inmate Legal Mail
10650 SW 46TH ST
JASPER, FL 32052

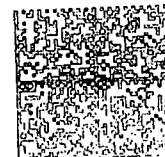
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UNITED STATES COURT OF APPEALS

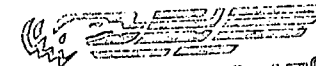
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