

S.D.N.Y.-N.Y.C.  
10-cv-7379  
Preska, J.

United States Court of Appeals  
FOR THE  
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 26<sup>th</sup> day of February, two thousand eighteen.

Present:

Amalya L. Kearse,  
Guido Calabresi,  
Denny Chin,  
*Circuit Judges.*

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Earl Reyes,

*Petitioner-Appellant,*

v.

17-3119 (L);  
17-3894 (Con)

Dale Artus,

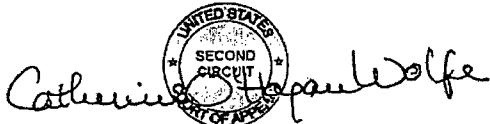
*Respondent-Appellee.*

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Appellant, pro se, moves for a certificate of appealability, leave to proceed in forma pauperis, and, as an alternative, acceptance of a bond for fees and costs. Upon due consideration, it is hereby ORDERED that the motions are DENIED and the appeal is DISMISSED because Appellant has failed to show that "(1) jurists of reason would find it debatable whether the district court abused its discretion in denying the Rule 60(b) motion[s], and (2) jurists of reason would find it debatable whether the underlying habeas petition, in light of the grounds alleged to support the [Rule] 60(b) motion[s], states a valid claim of the denial of a constitutional right." *Kellogg v. Strack*, 269 F.3d 100, 104 (2d Cir. 2001) (per curiam).

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk of Court

  
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