

BLD-215

June 20, 2019

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. 19-1611

HAJES RABAIA

vs.

THE ATTORNEY GENERAL OF THE STATE OF NEW JERSEY, ET AL.

(D.N.J. CIV. NO. 15-CV-04809)

Present: AMBRO, KRAUSE and PORTER, Circuit Judges

Submitted is appellant's notice of appeal, which has been construed as an application for a certificate of appealability under 28 U.S.C. § 2253(c)(1)

in the above captioned case.

Respectfully,

Clerk

ORDER

The foregoing request for a certificate of appealability is denied. For substantially the reasons given by the District Court, appellant has not made a substantial showing of the denial of a constitutional right nor shown that reasonable jurists would find the correctness of the procedural aspects of the District Court's determinations debatable. See 28 U.S.C. § 2253(c)(2); Slack v. McDaniel, 529 U.S. 473, 484 (2000).

By the Court,

s/ David J. Porter  
Circuit Judge

Dated: June 25, 2019  
Lmr/cc: Hajes Rabaia  
Lila B. Leonard



A True Copy

*Patricia S. Dodsweat*

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

Appendix B

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

HAJES RABAIA,

Petitioner,

v.

STATE OF NEW JERSEY, et al.,

Respondents.

HONORABLE JEROME B. SIMANDLE

Civil Action  
No. 15-4809 (JBS)

ORDER

This matter having come before the Court on the Fourth Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (ECF 11); Respondents having opposed the petition (ECF 17); Petitioner having filed a letter in reply (ECF 18) to Respondents' answer; Court having considered the parties' submissions and the state court record; for reasons explained in the Opinion of today's date; and for good cause shown;

IT IS this 19th day of February, 2019, hereby ORDERED the Fourth Petition for a Writ of Habeas Corpus (ECF 11) is DENIED WITH PREJUDICE; and it is further ORDERED that no certificate of appealability shall issue, 28 U.S.C. § 2253(c)(2); and it is finally

ORDERED that the Clerk shall serve a copy of this Order and Opinion on petitioner Hajes Rabaia by regular U.S. mail and mark this matter **CLOSED**.

s/ Jerome B. Simandle  
JEROME B. SIMANDLE  
U.S. District Judge

**Other Orders/Judgments**

1:15-cv-04809-JBS RABAIA v.  
STATE OF NEW JERSEY et al

HABEAS,PLO

**U.S. District Court****District of New Jersey [LIVE]****Notice of Electronic Filing**

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**Case Name:** RABAIA v. STATE OF NEW JERSEY et al

**Case Number:** 1:15-cv-04809-JBS

**Filer:**

**Document Number:** 21

**Docket Text:**

**ORDER Denying the Fourth Petition for writ of habeas corpus with prejudice. ORDERED that no certificate of appealability shall be issued. ORDERED that the Clerk shall close this case. Signed by Judge Jerome B. Simandle on 2/19/2019. (rtm, )(nm)**

**1:15-cv-04809-JBS Notice has been electronically mailed to:**

EMILY ROSE ANDERSON andersone@njdcj.org

**1:15-cv-04809-JBS Notice has been sent by regular U.S. Mail:**

HAJES RABAIA  
297216-B  
SOUTH WOODS STATE PRISON  
215 BURLINGTON ROAD SOUTH  
BRIDGETON, NJ 08302

The following document(s) are associated with this transaction:

**Document description:** Main Document

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[STAMP\_dcecfStamp\_ID=1046708974 [Date=2/20/2019] [FileNumber=12246330-0] [715ea9fc3404eb1760d4f5fae6d982a923782cd8158658da17342685506f5bf1a79e4a80ac0fed5ff175ab0e0de4a48efbdd52672be74311d624bc4897b3961a]]

Appendix A

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No. 19-1611

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HAJES RABAIA  
Appellant,

vs.

THE ATTORNEY GENERAL OF THE STATE OF NEW JERSEY, ET AL.

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(D.N.J. Civ. No. 15-cv-04809)

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SUR PETITION FOR REHEARING

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Present: SMITH, Chief Judge, McKEE, AMBRO, CHAGARES, JORDAN, HARDIMAN, GREENAWAY, JR., SHWARTZ, KRAUSE, RESTREPO, BIBAS, PORTER and MATEY, Circuit Judges

The petition for rehearing filed by appellant in the above-entitled case having been submitted to the judges who participated in the decision of this Court and to all the other available circuit judges of the circuit in regular active service, and no judge who concurred in the decision having asked for rehearing, and a majority of the judges of the circuit in regular service not having voted for rehearing, the petition for rehearing by the panel and the Court en banc, is denied.

BY THE COURT,

s/ David J. Porter  
Circuit Judge

Dated: July 19, 2019  
ARR/cc: HR; LBL

**Additional material  
from this filing is  
available in the  
Clerk's Office.**