

DLD-147

March 28, 2019

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. **18-3575**

TERRY SIMONTON, JR., Appellant

VS.

SUPERINTENDENT ROCKVIEW SCI, ET AL.

(M.D. Pa. Civ. No. 1-15-cv-01454)

Present: JORDAN, GREENAWAY, JR., and NYGAARD, Circuit Judges

Submitted are:

- (1) Appellant's request for a certificate of appealability under 28 U.S.C. § 2253(c)(1); and
- (2) Appellees' response

in the above-captioned case.

Respectfully,

Clerk

ORDER

Simonton's request for a certificate of appealability is denied because he has not "made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). Jurists of reason would agree, without debate, with the District Court that all of Simonton's claims either lack merit, are procedurally defaulted, or are not cognizable on habeas review, for substantially the same reasons provided by the District

Court. See Slack v. McDaniel, 529 U.S. 473, 484 (2000).

By the Court,

s/Joseph A. Greenaway, Jr.
Circuit Judge

Dated: July 19, 2019

PDB/JK/cc: Terry Simonton, Jr.
Megan E. Ryland Tanner, Esq.



A True Copy:

Patricia S. Dodszeit

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

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

TERRY SIMONTON, JR.,	:	CIVIL NO. 1:15-CV-1454
	:	
Petitioner	:	(Chief Judge Conner)
	:	
v.	:	
	:	
STEPHEN R. GLUNT, et al.,	:	
	:	
Respondents	:	

ORDER

AND NOW, this 7th day of November, 2018, upon consideration of the petition for writ of habeas corpus (Doc. 1), and in accordance with the court's memorandum of the same date, it is hereby ORDERED that:

1. The petition for writ of habeas corpus (Doc. 1) pursuant to 28 U.S.C. § 2254 is DENIED.
2. There is no basis for the issuance of a certificate of appealability. See 28 U.S.C. § 2253(c).
3. The Clerk of Court is directed to CLOSE this case.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 18-3575

TERRY SIMONTON, JR.,
Appellant

v.

SUPERINTENDENT ROCKVIEW SCI;
ATTORNEY GENERAL PENNSYLVANIA

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA
(D.C. No. 1-15-cv-01454)
District Judge: Hon. Christopher C. Conner

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

* Judge Nygaard's vote is limited to panel rehearing only.

BY THE COURT,

s/Joseph A. Greenaway, Jr.
Circuit Judge

Dated: October 16, 2019

PDB/cc: Terry Simonton, Jr.

Megan E. Ryland Tanner, Esq.