

IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

No. 20-12194

MICAH LAMB,

Petitioner-Appellant,

versus

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

Respondents-Appellees.

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

Before WILSON and ROSENBAUM, Circuit Judges.

BY THE COURT:

Micah Lamb has filed a "motion for en banc rehearing[,] renewed application for certificate of appealability and/or motion to expand renewed application for certificate of appealability on uncertified issues or sentences," and an "En Banc Request for Motion To Stay," both of which are construed as motions for reconsideration, pursuant to 11th Cir. R. 22-1(c) and 27-2, of this Court's November 24, 2020, order denying a certificate of appealability, denying leave to proceed *in forma pauperis*, denying a stay of appellate proceedings, and granting leave to exceed the page and word limits. Upon review, Lamb's motion for reconsideration is DENIED because he has offered no new evidence or arguments of merit to warrant relief.

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Lamb also has moved for leave to file a motion exceeding the page and word limits, which is GRANTED to the extent that the entirety of his construed motion for reconsideration was considered.

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No. 20-12194-E

MICAH LAMB,

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

Respondents-Appellees.

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

ORDER:

To merit a certificate of appealability, appellant Micah Lamb must show that reasonable jurists would find debatable both (1) the merits of an underlying claim, and (2) the procedural issues that he seeks to raise. *See* 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). Because Lamb has failed to make the requisite showing, his motion for a certificate of appealability is DENIED. Lamb's motion for leave to proceed on appeal *in forma pauperis* is DENIED AS MOOT. The motion for a stay of appellate proceedings is DENIED.

Lamb's motion for leave to file a motion exceeding the page and word limits is GRANTED to the extent the entirety of his motion for a COA was considered.

/s/ Charles R. Wilson  
UNITED STATES CIRCUIT JUDGE

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UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

MICAH LAMB,

Petitioner,

v.

Case No. 3:09-cv-42-J-32PDB

SEC'Y, FLA. DEPT OF CORR.,  
et al.,

Respondents.

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**ORDER**

On March 13, 2012, the Court denied Petitioner's Second Amended Petition (Doc. 34) for writ of habeas corpus and dismissed this case with prejudice. See Doc. 91. Judgment was entered to that effect on March 14, 2012. See Doc. 92. Petitioner appealed (Doc. 93), and on July 27, 2012, the Eleventh Circuit denied Petitioner's motion for certificate of appealability (Doc. 94). Subsequently, on February 19, 2013, the United States Supreme Court denied Petitioner's writ of certiorari. See Doc. 95.

Petitioner thereafter filed numerous motions for post-judgment relief (Docs. 99, 101, 103-08, 110, 113), all of which the Court denied (Doc. 117). Petitioner also filed with the Eleventh Circuit approximately four applications seeking authorization to file a second or successive habeas petition. See In re:

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Micah Lamb, Nos. 16-16413; 17-11098; 17-15432; 19-10697. The Eleventh Circuit denied all of Petitioner's applications. In re: Micah Lamb, Nos. 16-16413 (Nov. 7, 2016); 17-11098 (Apr. 5, 2017); 17-15432 (Jan. 10, 2018); 19-10697 (March 26, 2019).

Petitioner has now filed with this Court two motions to alter, amend, or reopen this case pursuant to Federal Rule of Civil Procedure 60(b) (Docs. 129, 132); motions to exceed the page limit (Docs. 128, 133); a motion for a free copy of his docket (Doc. 134); and motions to supplement previously-filed motions (Docs. 137, 138).

Upon consideration of the pending motions, as well as a review of the file and Petitioner's prior applications with the Eleventh Circuit, it is

**ORDERED:**

1. Petitioner's requests to exceed the page limit on Petitioner's Rule 60(b) motions (Docs. 128, 133) are **GRANTED to the extent** that Petitioner's Rule 60(b) motions are accepted as filed.

2. Petitioner's requests to supplement his previously-filed motions (Docs. 137, 138) are **GRANTED to the extent** that the Court has considered these filings.

3. As to Petitioner's requests for relief from the judgment, pursuant to Rule 60(b), Federal Rules of Civil Procedure, "[a] motion under Rule 60(b) must

be made within a reasonable time-and for reasons (1), (2), and (3) no more than a year after the entry of the judgment[.]” As noted above, judgment was entered in this case on March 14, 2012, the Eleventh Circuit denied Petitioner’s motion for a certificate of appealability on July 27, 2012, and the Supreme Court denied his writ of certiorari on February 19, 2013. Thus, the Court finds that Petitioner’s requests for relief under Rule 60(b) were not filed within a reasonable time and/or within one year of the entry of judgment. Therefore, his requests (Docs. 129, 132), and all supplements thereto, are **DENIED**. Alternatively, even if Petitioner’s requests were timely filed, after reviewing and considering the file as a whole, the Court finds that Petitioner is not entitled to the relief he seeks.<sup>1</sup>

4. Petitioner’s request for a free copy of his docket (Doc. 134) is **DENIED as moot**. The Clerk has provided Petitioner with a courtesy copy of his docket sheet in response to this request.

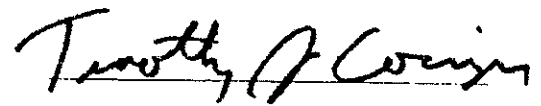
5. If Petitioner appeals the denial of his post-judgment requests for

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<sup>1</sup> Petitioner’s arguments in support of his requests for relief from judgment are essentially a rehashing of the same arguments already addressed by the Court in denying the Second Amended Petition. See Doc. 91. Further, to the extent Petitioner is raising new claims, the majority of those new claims were presented to the Eleventh Circuit in Petitioner’s 2019 application to file a second or successive habeas petition, which the Eleventh Circuit denied. See In re: Micah Lamb, No. 19-10697.

relief, the Court denies a certificate of appealability. Because this Court has determined that a certificate of appealability is not warranted, the Clerk shall terminate from the pending motions report any motion to proceed on appeal as a pauper that may be filed in this case. Such termination shall serve as a denial of the motion.

**DONE AND ORDERED** at Jacksonville, Florida, this 26th day of May, 2020.



TIMOTHY J. CORRIGAN  
United States District Judge

Jax-7

c: Micah Lamb, #J23663  
Counsel of Record

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