

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 21-11895-J

ANTHONY PHILLIPS,

Petitioner-Appellant,

versus

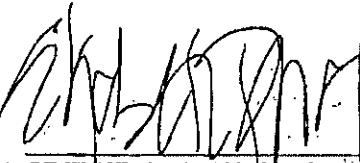
UNITED STATES OF AMERICA,

Respondent-Appellee

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

ORDER:

Anthony Phillips moves for a certificate of appealability ("COA") in order to appeal the district court's denial of his 28 U.S.C. § 2255 motion as untimely. To merit a COA, Phillips 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, 478 (2000). Because Phillips has failed to make the requisite showing, his motion for a COA is DENIED. Accordingly, his motion for leave to proceed *in forma pauperis* on appeal is DENIED as moot.



UNITED STATES CIRCUIT JUDGE

(APPENDIX D)