

S.D.N.Y. – N.Y.C.
21-cv-1501
McMahon, 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 1st day of December, two thousand twenty-one.

Present:

Guido Calabresi,
Denny Chin,
William J. Nardini,
Circuit Judges.

Amit Patel,

Petitioner-Appellant,

v.

21-1423

Mark Rockwood,

Respondent-Appellee.

Appellant, pro se, moves for a certificate of appealability and in forma pauperis status. Upon due consideration, it is hereby ORDERED that the motion is DENIED and the appeal is DISMISSED because Appellant has not shown that “jurists of reason would find it debatable whether the district court was correct in its procedural ruling” that Appellant was not “in custody” on the challenged conviction for federal habeas purposes. *Slack v. McDaniel*, 529 U.S. 473, 478 (2000).

FOR THE COURT:
Catherine O’Hagan Wolfe, Clerk of Court

Catherine O'Hagan Wolfe


**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 26th day of January, two thousand twenty-two.

Amit Patel,

Petitioner - Appellant,

v.

ORDER

Docket No: 21-1423

Mark Rockwood,

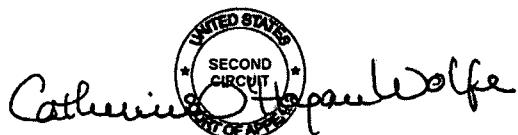
Respondent - Appellee.

Appellant, Amit Patel, filed a motion for panel reconsideration, or, in the alternative, for reconsideration *en banc*. The panel that determined the appeal has considered the request for reconsideration, and the active members of the Court have considered the request for reconsideration *en banc*.

IT IS HEREBY ORDERED that the motion is denied.

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk


Catherine O'Hagan Wolfe

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMIT PATEL,

Petitioner,

-against-

MARK ROCKWOOD,

Respondent.

1:21-CV-1501 (CM)

CIVIL JUDGMENT

Pursuant to the order issued April 28, 2021, alternatively denying the petition for lack of jurisdiction and as time-barred,

IT IS ORDERED, ADJUDGED AND DECREED that the petition is alternatively denied for lack of jurisdiction and as time-barred. Because the petition makes no substantial showing of a denial of a constitutional right, a certificate of appealability will not issue under 28 U.S.C. § 2253.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from the Court's judgment would not be taken in good faith.

IT IS FURTHER ORDERED that the Clerk of Court mail a copy of this judgment and the Court's April 28, 2021 order to Petitioner, and note service on the docket.

SO ORDERED.

Dated: April 28, 2021
New York, New York



COLLEEN McMAHON
United States District Judge