

DLD-008

**UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT**

C.A. No. 21-2256

JERMAINE JACKSON, Appellant

VS.

SUPERINTENDENT ALBION SCI; ET AL.

(E.D. Pa. Civ. No. 2-20-cv-01988)

Present: KRAUSE, MATEY, and PHIPPS, Circuit Judges

Submitted is appellant's request for a certificate of appealability under 28 U.S.C. § 2253(c)(1), in the above-captioned case.

Respectfully,

Clerk

ORDER

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Appellant's request for a certificate of appealability is denied because jurists of reason would not debate the District Court's denial of his claims. See 28 U.S.C. § 2253(c)(2); Miller-El v. Cockrell, 537 U.S. 322, 336 (2003). Having carefully reviewed the record, we make that determination largely for the reasons explained by the Magistrate Judge. We note that the Commonwealth attached to its District Court response color copies of the slides at issue in appellant's first claim. (ECF No. 16-3 at 52-54.) We have reviewed the slides, and jurists of reason would not debate whether the prosecutor's use of those slides at closing deprived appellant of due process. Jurists of reason also would not debate the denial of appellant's claims that his trial counsel rendered ineffective assistance: (1) by failing to interview and call six alibi witnesses, whom appellant has not shown would have provided an alibi; (2) by failing to challenge the qualifications of Detective Coffman or otherwise contest the cell phone location information, which appellant has not shown there was any basis to challenge; or (3) by failing to demur or move for a directed verdict on the charges of robbery, burglary (which counsel did challenge), or felony murder, all of which were supported by the evidence.

By the Court,

s/ Peter J. Phipps  
Circuit Judge

Dated: December 1, 2021

Tmm/cc: Teri B. Himebaugh, Esq.  
Jill M. Graziano, Esq.  
Ronald Eisenberg, Esq.



A True Copy:

*Patricia S. Dodsweit*

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