

BLD-259

August 26, 2021

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. 21-2102

CHRISTOPHER COKER,
a/k/a Christopher Forman, Appellant

VS.

SUPERINTENDENT MAHANOY SCI; ET AL.

(E.D. Pa. Civ. No. 2-20-cv-02986)

Present: AMBRO, SHWARTZ and PORTER, Circuit Judges

Submitted is Appellant's notice of appeal, which may be construed
as a request for a certificate of appealability under 28 U.S.C. § 2253(c)(1)

in the above-captioned case.

Respectfully,

Clerk

ORDER

The foregoing request for a certificate of appealability is denied. We may issue a certificate of appealability "only if the applicant has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). The District Court denied Coker's petition filed pursuant to 28 U.S.C. § 2254 as meritless. Jurists of reason would not debate the District Court's decision. See United States ex rel. Lawson v. Cavell, 425 F.2d 1350, 1352 (3d Cir. 1970) (per curiam) (holding that revoking parole and requiring defendant to serve the remainder of his sentence did not violate the Double Jeopardy Clause); U.S. ex rel. Heacock v. Myers, 367 F.2d 583 (3d Cir. 1966) (per curiam) (noting the court was in complete accord with a District Court's decision that the Board's failure to give credit for time on parole and its adjustment of the maximum sentence date did not raise any constitutional questions).

By the Court,

s/ David J. Porter

Circuit Judge

Dated: August 31, 2021
Cc: All counsel of record



A True Copy:

Patricia A. Dodszeit

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

OFFICE OF THE CLERK

PATRICIA S. DODSZUWEIT

CLERK



UNITED STATES COURT OF APPEALS

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August 31, 2021

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RE: Christopher Coker v. Superintendent Mahanoy SCI, et al
Case Number: 21-2102
District Court Case Number: 2-20-cv-02986

ENTRY OF JUDGMENT

Today, **August 31, 2021** the Court issued a case dispositive order in the above-captioned matter which serves as this Court's judgment. Fed. R. App. P. 36.

If you wish to seek review of the Court's decision, you may file a petition for rehearing. The procedures for filing a petition for rehearing are set forth in Fed. R. App. P. 35 and 40, 3rd Cir. LAR 35 and 40, and summarized below.

Time for Filing:

14 days after entry of judgment.

45 days after entry of judgment in a civil case if the United States is a party.

Form Limits:

3900 words if produced by a computer, with a certificate of compliance pursuant to Fed. R. App. P. 32(g).

15 pages if hand or type written.

Attachments:

A copy of the panel's opinion and judgment only.

Certificate of service.

Certificate of compliance if petition is produced by a computer.

No other attachments are permitted without first obtaining leave from the Court.

Unless the petition specifies that the petition seeks only panel rehearing, the petition will be construed as requesting both panel and en banc rehearing. Pursuant to Fed. R. App. P. 35(b)(3), if separate petitions for panel rehearing and rehearing en banc are submitted, they will be treated as a single document and will be subject to the form limits as set forth in Fed. R. App. P. 35(b)(2). If only panel rehearing is sought, the Court's rules do not provide for the subsequent filing of a petition for rehearing en banc in the event that the petition seeking only panel rehearing is denied.

Please consult the Rules of the Supreme Court of the United States regarding the timing and requirements for filing a petition for writ of certiorari.

Very truly yours,
Patricia S. Dodszeit, Clerk

By: s/Carmella/AMR
Case Manager
267-299-4928

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 21-2102

Christopher Coker,
a/k/a Christopher Forman,
Appellant

v.

Superintendent Mahanoy SCI; District Attorney
Philadelphia; Attorney General of the State of Pennsylvania

(E.D. Pa. No. 2-20-cv-02986)

SUR PETITION FOR PANEL REHEARING

Present: AMBRO, SHWARTZ, and PORTER, 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, it is hereby

O R D E R E D that the petition for rehearing by the panel is denied.

By the Court,

s/David J. Porter
Circuit Judge

Dated: September 23, 2021
Cc: All counsel of record