

IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

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No. 21-11053-C

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HAKIM MUHAMMAD,

Petitioner-Appellant,

versus

MARTY ALLEN, et al.,

Respondents,

CEDRIC TAYLOR,

Respondent-Appellee.

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Appeal from the United States District Court  
for the Northern District of Georgia

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ORDER:

Hakim Muhammad moves for a certificate of appealability (“COA”) and leave to proceed on appeal *in forma pauperis* in order to appeal the district court’s denial of his Rule 60(b) motions as both meritless and impermissibly second or successive. To the extent that the district court denied Muhammad’s Rule 60(b) motions in part on the merits, Muhammad’s motion for a COA is DENIED IN PART because he has failed to make a substantial showing of the denial of a constitutional right. *See* 28 U.S.C. § 2253(c)(2).

To the extent that the district court denied Muhammad’s Rule 60(b) motions in part as an impermissibly second or successive 28 U.S.C. § 2254 habeas corpus petition, Muhammad’s motion for a COA is DENIED AS UNNECESSARY IN PART. *See Hubbard v. Campbell*, 379

F.3d 1245 (11th Cir. 2004). Nevertheless, Muhammad's motion for leave to proceed *in forma pauperis* is DENIED because his appeal of that portion of the district court's ruling is frivolous. *See Pace v. Evans*, 709 F.2d 1428 (11th Cir. 1983).

/s/ Robert J. Luck  
UNITED STATES CIRCUIT JUDGE