

ALD-118

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. **21-3120**

UNITED STATES OF AMERICA

VS.

JAY REED, Appellant

(M.D. Pa. Crim. No. 1:15-cr-00193-001)

Present: JORDAN, RESTREPO and SCIRICA, 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

Appellant's request for a certificate of appealability is denied because he has not made a "substantial showing of the denial of a constitutional right." See 28 U.S.C. § 2253(c)(2); Miller-El v. Cockrell, 537 U.S. 322, 336 (2003). Essentially for the reasons provided by the District Court, jurists of reason would not debate whether the District Court properly denied Appellant's motion under 28 U.S.C. § 2255. Specifically, Appellant failed to establish that counsel's performance was deficient or that he suffered prejudice due to counsel's alleged deficiencies. See Strickland v. Washington, 466 U.S. 668, 687 (1984). Additionally, the District Court properly denied Appellant's requests for recusal and for an evidentiary hearing.

By the Court,

L. Felipe Restrepo
Circuit Judge

Dated: April 14, 2022
CJG/cc: Samuel S. Dalke, Esq.
Jay Eugene Reed



A True Copy:

Patricia S. Dodszeuweit

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

OFFICE OF THE CLERK

PATRICIA S. DODSZUWEIT

CLERK



UNITED STATES COURT OF APPEALS

21400 UNITED STATES COURTHOUSE

601 MARKET STREET

PHILADELPHIA, PA 19106-1790

Website: www.ca3.uscourts.gov

TELEPHONE

215-597-2995

April 14, 2022

Samuel S. Dalke
Office of United States Attorney
Middle District of Pennsylvania
228 Walnut Street, P.O. Box 11754
220 Federal Building and Courthouse
Harrisburg, PA 17108

Jay Eugene Reed
Tucson USP
P.O. Box 24550
Tucson, AZ 85734

RE: USA v. Jay Reed
Case Number: 21-3120
District Court Case Number: 1-15-cr-00193-001

ENTRY OF JUDGMENT

Today, **April 14, 2022** 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/ Caitlyn
Case Manager
267-299-4956

Cc: Mr. Peter J. Welsh

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JAY EUGENE REED,
Petitioner

v.

UNITED STATES OF AMERICA,
Respondent

:
:
:
:
:
:
:

No. 1:15-cr-00193-1

(Judge Kane)

ORDER

AND NOW, on this 28th day of October 2021, upon consideration of Petitioner Jay Eugene Reed (“Petitioner”)’s motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255 (Doc. No. 85), and in accordance with the Memorandum entered concurrently with this Order, **IT IS ORDERED THAT:**

1. Petitioner’s motion (Doc. No. 85) is **DENIED**;
2. A Certificate of Appealability **SHALL NOT ISSUE**; and
3. The Clerk of Court is directed to **CLOSE** the related case at 1:21-cv-00698.

s/ Yvette Kane
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. **21-3120**

UNITED STATES OF AMERICA

v.

JAY EUGENE REED,
Appellant

(D. N.J. No. 1-15-cr-00193-001)

SUR PETITION FOR REHEARING

Before: CHAGARES, *Chief Judge*, McKEE, AMBRO, JORDAN, HARDIMAN, GREENAWAY, JR., SHWARTZ, KRAUSE, RESTREPO, BIBAS, PORTER, MATEY, PHIPPS, and SCIRICA¹ *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 and to all the other available circuit judges of the circuit in regular active service, and no judge who concurred in the decision having asked for rehearing, and a majority of the judges of the circuit in regular service not having voted for rehearing, the petition for rehearing by the panel and the Court en banc, is denied.

BY THE COURT,

s/ L. Felipe Restrepo
Circuit Judge

Dated: June 30, 2022

CJG/cc: Samuel S. Dalke, Esq.
Jay Eugene Reed

¹ Judge Scirica's vote is limited to panel rehearing only.

**Additional material
from this filing is
available in the
Clerk's Office.**