

Appendix

“A”

WESTLAW**Office v. Meyers**

United States District Court, W.D. Louisiana, Lake Charles Division. May 26, 2022 Slip Copy 2022 WL 1700098 (Approx. 1 page)

2022 WL 1700098

Only the Westlaw citation is currently available.

United States District Court, W.D. Louisiana,
Lake Charles Division.Brandon **OFFICE** D.O.C. # 396954

v.

Marcus **MEYERS**

DOCKET NO. 2:22-cv-0429

Signed 05/26/2022

Attorneys and Law Firms

Brandon J. Office, Cottonport, LA, Pro Se.

SECTION P**JUDGMENT**

JAMES D. CAIN, JR., UNITED STATES DISTRICT JUDGE

*1 For the reasons stated in the Report and Recommendation of the Magistrate Judge previously filed herein, and after an independent review of the record, determining that the findings are correct under the applicable law, and considering the objections to the Report and Recommendation in the record;

IT IS ORDERED, ADJUDGED AND DECREED that the petition be **DISMISSED** without prejudice to petitioner's right to file a motion in the United States Court of Appeals for the Fifth Circuit for leave to file a successive § 2254 petition.

THUS DONE AND SIGNED in Chambers on this 26th day of May, 2022.

All Citations

Slip Copy, 2022 WL 1700098

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Appendix “B”

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

September 29, 2022

Lyle W. Cayce
Clerk

No. 22-30328

BRANDON J. OFFICE,

Petitioner—Appellant,

versus

MARCUS MYERS,

Respondent—Appellee.

Application for Certificate of Appealability from the
United States District Court for the Western District of Louisiana
USDC No. 2:22-CV-429

ORDER:

Brandon J. Office, Louisiana prisoner # 396954, seeks a certificate of appealability (COA) to challenge the district court's dismissal of his 28 U.S.C. § 2254 application challenging his convictions for armed robbery and second degree kidnapping on the ground that it was an unauthorized successive § 2254 application. Liberally construed, Office's brief argues that the instant § 2254 application is not successive because the grounds asserted therein are fundamentally different from the claims asserted in his initial § 2254 application.

A COA may issue "only if the applicant has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2); *Buck*

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v. Davis, 137 S. Ct. 759, 773 (2017). Where, as here, a § 2254 application is dismissed on procedural grounds without reaching the prisoner's underlying constitutional claim, "a COA should issue when the prisoner shows, at least, that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

Office has not made the requisite showing. *See Slack*, 529 U.S. at 484. Accordingly, his motion for a COA is DENIED.

/s/Jennifer Walker Elrod
JENNIFER WALKER ELROD
United States Circuit Judge

No. 169156

B.O.

BILL OF INFORMATION

State of Louisiana – Parish of Vernon
THIRTIETH JUDICIAL DISTRICT COURT

BE IT REMEMBERED, That William E. Tilley, District Attorney, Thirtieth Judicial District, Vernon Parish, Louisiana, who prosecutes in the name and by the authority of the State of Louisiana, comes into Court and charges that

BRANDON J. OFFICE

on or about **JULY 1, 2005**, in the Parish and State aforesaid, did unlawfully

COUNT NO. 1: commit the offense of armed robbery by force while armed with a firearm upon Antonio Jordan, in violation of R. S. 14:64 (A Felony)

COUNT NO. 2: commit the offense of aggravated kidnapping by force with the use of a firearm upon Antonio Jordan, in violation of R. S. 14:44 (A Felony)