Rec'd
8/31/22

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 21-14500-G

JESSIE JACKSON,

Petitioner-Appellant,

versus

SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS,

Respondent-Appellee.

Appeal from the United States District Court
for the Southern District of Florida

ORDER:

Jessie Jackson's motion for a certificate of appealability is DENIED because he has failed to make a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(2). His motion for leave to proceed *in forma pauperis* is DENIED AS MOOT.

UNITED STATES CIRCUIT JUDGE

AR COPY
28

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

JESSIE JACKSON,
Petitioner/Appellee,

CASE NO.: 19-61428-CV-SMITH

v.

MARK S. INCH, Sec'y.,
Florida Dep't of Corrections,
Respondent/Appellant.
_____/

NOTICE OF APPEAL

NOTICE IS GIVEN that the Petitioner, JESIE JACKSON, in proper person, appeals to the Eleventh Circuit Court of Appeals, the order of the Southern District of Florida dated December 7th, 2021 [DE # 26]. See incorporated order, known herein as Exhibit A.

The nature of the order appealed is Affirming and Adopting the Report. [DE # 21] Denying the 2254 Petition with no certificate of appealability issue. [DE # 1] Final judgment entered in favor of the government, and closed the 2254 proceedings. [DE # 26]

Following the Notice of Appeal, Petitioner will be timely filing for Certificate of Appealability (COA) pursuant to 28 U.S.C.S. Section 2253(c)(2).

Respectfully Submitted,

Jessie Jackson
L94248, J-2-151-S

Appendix B

CERTIFICATE OF SERVICE

I HERERBY CERTIFY that a copy of the Notice of Appeal has been furnished via U.S. Mail to the following interested person: Office of the Attorney General, Criminal Division, at 1515 North Flagler Drive, Ninth Floor, West Palm beach, Florida 33401-3432, on this 22nd day of December, 2021.

Jessie Jackson
L94249, J-2-151-S
Suwannee CI Annex
5964 U.S Highway 90
Live Oak, Florida 32060

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 19-61428-CV-SMITH
MAGISTRATE JUDGE REID

JESSIE JACKSON,

Petitioner,

v.

SEC'Y, FLA. DEP'T OF CORR.,

Respondent.

REPORT OF MAGISTRATE JUDGE

Petitioner has filed a *pro se* petition for writ of habeas corpus under 28 U.S.C. § 2254. His petition attacks the constitutionality of his judgment of conviction in Case No. 09-593CF10A, Seventeenth Judicial Circuit of Florida, Broward County.

This case has been referred to the undersigned for consideration and report. The undersigned has reviewed the entire record, including the operative § 2254 petition. [ECF No. 1]. As discussed below, the petition should be DENIED.

I. Background

A. State Court Proceedings

Petitioner Jessie Jackson was convicted of [redacted] in violation of Fla. Stat. § 794.011(2)(A), a felony punishable by life in prison. [ECF No. 10-1 at 10].[1] The jury convicted him of this offense and specifically found that [redacted]. [*Id.* at 13]. The trial court sentenced Petitioner to life in prison. [*Id.* at

[1] All page citations for docket entries refer to the page-stamp number at the top, right-hand corner of the page.

18]. The Fourth District Court of Appeals ("Fourth District") affirmed his conviction and sentence in a reasoned decision. [*Id.* at 81].

Petitioner filed a motion for postconviction relief under Fla. R. Crim. P. 3.850. [*Id.* at 93]. After holding an evidentiary hearing, [ECF Nos. 11-9, 11-10], the trial court denied the motion in a reasoned decision. [ECF No. 10-4 at 144]. The Fourth District affirmed without comment. [*Id.* at 199].

B. This § 2254 Case

On or around May 24, 2019, Petitioner filed his § 2254 petition, [ECF No. 1], whose timeliness the state concedes. [ECF No. 9 at 3-6]. The state filed a response and supporting documentation. [ECF Nos. 9, 10, 11]. Petitioner filed a reply. [ECF No. 13].

II. Legal Standard Under 28 U.S.C. § 2254

Title 28 U.S.C. § 2254(d) sets forth the following standards for granting federal habeas corpus relief:

> An application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court shall not be granted with respect to any claim that was adjudicated on the merits in State court proceedings unless the adjudication of the claim--
>
> > (1) resulted in a decision that was contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States; or
> >
> > (2) resulted in a decision that was based on an unreasonable determination of the facts in light of the evidence presented in the State court proceeding.

Under § 2254(d)(1)'s "contrary to" clause, courts may grant the writ if the state court: (1) reaches a conclusion on a question of law opposite to that reached by the Supreme Court; or (2) decides a case differently than the Supreme Court has on materially indistinguishable facts. *Williams v. Taylor*, 529 U.S. 362, 412-13 (2000). Under its "unreasonable application" clause,

courts may grant the writ even if the state court identifies the correct governing legal principle from the Supreme Court's decisions but unreasonably applies that principle to the facts of the case. *Id.* at 413. "[C]learly established Federal law" consists of Supreme Court "precedents as of the time the state court renders its decision." *Greene v. Fisher*, 565 U.S. 34, 38 (2011) (citation and emphasis omitted).

An unreasonable application of federal law differs from an incorrect application of federal law. *Renico v. Lett*, 559 U.S. 766, 773 (2010) (citation omitted). Under this standard, "a state prisoner must show that the state court's ruling . . . was so lacking in justification that there was an error well understood and comprehended in existing law beyond any possibility for fairminded disagreement." *Harrington v. Richter*, 562 U.S. 86, 103 (2011).

Courts "apply this same standard when evaluating the reasonableness of a state court's decision under § 2254(d)(2)." *Landers v. Warden*, 776 F.3d 1288, 1294 (11th Cir. 2015). That is, "[a] state court's . . . determination of facts is unreasonable only if no 'fairminded jurist' could agree with the state court's determination." *Id.* (citation omitted).

Under § 2254(d), "when the last state court to decide a prisoner's federal claim explains its decision on the merits in a reasoned opinion[,]" "a federal habeas court simply reviews the specific reasons given by the state court and defers to those reasons if they are reasonable." *Wilson v. Sellers*, 138 S. Ct. 1188, 1192 (2018).

But where the decision of the last state court to decide a prisoner's federal claim contains no reasoning, federal courts must "'look through' the unexplained decision to the last related state-court decision that does provide a relevant rationale." *Id.* "It should then presume that the unexplained decision adopted the same reasoning." *Id.*

III. Ineffective Assistance of Counsel Principles

To establish a claim of ineffective assistance of counsel, Petitioner must show that his attorney's performance was deficient and that the deficient performance prejudiced his defense. *Strickland v. Washington*, 466 U.S. 668, 687 (1984).

To prove deficiency, he must show that his attorney's performance "fell below an objective standard of reasonableness" as measured by prevailing professional norms. *Id.* at 688. Courts must "indulge a strong presumption that counsel's conduct falls within the wide range of reasonable professional assistance." *Id.* at 689.

To prove prejudice, Petitioner "must show that there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." *Id.* at 694. A reasonable probability is "a probability sufficient to undermine confidence in the outcome." *Id.*

It is "all the more difficult" to prevail on a *Strickland* claim under § 2254(d). *Richter*, 562 U.S. at 105. As the standards that *Strickland* and § 2254(d) create are both "highly deferential," review is "doubly" so when the two apply in tandem. *Id.* (citation omitted). Thus, "[w]hen § 2254(d) applies, the question is not whether counsel's actions were reasonable." *Id.* Rather, "[t]he question is whether there is any reasonable argument that counsel satisfied *Strickland*'s deferential standard." *Id.*

Petitioner has the burden of proof on his ineffectiveness claim, *Holsey v. Warden*, 694 F.3d 1230, 1256 (11th Cir. 2012), as well as the burden of proof under § 2254(d), *Cullen v. Pinholster*, 563 U.S. 170, 181 (2011).

IV. Discussion

A. Claim One

Petitioner contends that "the trial court abused its discretion when it proceeded [to] trial before [he] was adjudicated competent to proceed." [ECF No. 1 at 4]. In support, he contends that: (1) he received the competency evaluation after the state's main witness had testified; (2) only one expert evaluated his competency when state law required at least two experts to evaluate him; and (3) the expert's evaluation lasted only one hour and fifteen minutes "due to time constraints placed on her by the court and was conducted on an ad hock (sic), rushed basis in the middle of trial during a lunch break." [*Id.*]

Based on the same allegations, Petitioner also appears to contend that his conviction violated due process because he received an inadequate competency evaluation. *See* [*id.*] He appears to contend that his mental condition was such that he lacked the capacity to understand the nature and object of the proceedings against him, consult with counsel, and assist in preparing his defense. *See* [*id.*] However, he does not allege what mental/intellectual conditions he was experiencing or explain their effect on his trial. *See* [*id.*]

The state argues that this claim is unexhausted because Petitioner did not raise it as a federal issue in state court. Further, the state argues that the claim lacks merit because it presents a procedural state-law issue and does not implicate a federal constitutional right. *See* [ECF No. 9 at 11-14]. Although Petitioner conceded in his reply, that the Respondent is correct on this ground, [ECF No. 13 at 2], a review of the record shows otherwise. Petitioner raised this claim on direct appeal. [ECF No. 10-1 at 45-47]. Contrary to the state's contention, he adequately presented this claim on due process grounds. The claim expressly references due process and cites caselaw discussing, among other things, due process as it relates to competency. *See, e.g.*, [*id.* at 47]; *see also Baldwin v. Reese*, 541 U.S. 27, 32 (2004) ("A litigant wishing to raise a federal issue can easily indicate the federal law basis for his claim in a state-court petition or brief, for example, by

citing in conjunction with the claim the federal source of law on which he relies . . . ."). Furthermore, contrary to the state's contention, Petitioner adequately presented this claim on due process grounds in his § 2254 petition. Accordingly, the undersigned considers this claim on the merits.

The Fourth District rejected this claim on the sole basis that Petitioner did not have a due process right to a second mental health evaluation. *See* [ECF No. 10-1 at 81 (citing *D'Oleo-Valdez v. State*, 531 So. 2d 1347, 1348 (Fla. 1988))]. The Fourth District did not consider, however, Petitioner's contention that he was incompetent to stand trial. *See* [*id.*] Thus, the Fourth District "'inadvertently overlooked' [this aspect of the due process] claim, failing to rule on the merits of it." *See Bester v. Warden*, 836 F.3d 1331, 1337 (11th Cir. 2016) (quoting *Johnson v. Williams*, 568 U.S. 289, 303 (2013)). Accordingly, the undersigned reviews the claim *de novo*. *See id.*; *Lawrence v. Sec'y, Fla. Dep't of Corr.*, 700 F.3d 464, 481 (11th Cir. 2012).

"A criminal defendant may not be tried unless he is competent . . . ." *Godinez v. Moran*, 509 U.S. 389, 396 (1993) (citation omitted). "[T]he standard for competence to stand trial is whether the defendant has 'sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding' and has 'a rational as well as factual understanding of the proceedings against him.'" *Id.* (quoting *Dusky v. United States*, 362 U.S. 402, 402 (1960)); *accord Drope v. Missouri*, 420 U.S. 162, 171 (1975) ("[A] person whose mental condition is such that he lacks the capacity to understand the nature and object of the proceedings against him, to consult with counsel, and to assist in preparing his defense may not be subjected to a trial"). "In advancing his substantive competency claim, [Petitioner] is entitled to no presumption of incompetency and must demonstrate his . . . incompetency by a preponderance of the evidence." *Lawrence*, 700 F.3d at 481 (ellipsis in original) (citation omitted).

Here, Petitioner has not shown that he was incompetent. His allegations of incompetence are simply conclusory. [ECF No. 1 at 4]. The only allegation Petitioner provides to support it is that his attorney stated during trial that Petitioner had "'a real fundamental misunderstanding of everything [that was happening] in [the] courtroom.'" [*Id.* (quoting ECF No. 11-3 at 13)]. However, based on her observations of Petitioner during the trial and prior proceedings, the trial judge strongly disagreed with counsel's contention. [ECF No. 11-3 at 15-19].

Nonetheless, the trial judge ordered a competency evaluation and the psychologist found Petitioner competent, whereupon the court adjudicated him competent. [*Id.* at 19-20; ECF No. 11-4 at 3-10]. Petitioner's allegations that the evaluation was inadequate are equally conclusory. [ECF No. 1 at 4]. Moreover, counsel stated at the close of the evidence that counsel no longer had concerns about petitioner's competency and agreed with the psychologist's written report that Petitioner was competent. [ECF No. 11-6 at 64-65]; *see also Watts v. Singletary*, 87 F.3d 1282, 1288 (11th Cir. 1996) ("Because legal competency is primarily a function of [the] defendant's role in assisting counsel in conducting the defense, the defendant's attorney is in the best position to determine whether the defendant's competency is suspect.").

For these reasons, claim one lacks merit.

B. Claim Two

Petitioner contends that counsel was ineffective because he allowed the jury to see him in shackles. [ECF No. 1 at 5-6]. As such, he alleges that his conviction was based on "official suspicion, indictment, continued custody, or other circumstances not adduced as proof at trial." [*Id.* at 6]. He also contends that counsel ineffectively failed to move for a mistrial based on the jury's viewing of him in shackles and its prejudicial effect on his trial.

The alleged factual basis of this claim is that, during trial, petitioner told counsel that the jury, particularly juror Santiago, was looking at his shackles. [*Id.*] In support, Petitioner contends that counsel moved to strike Santiago on the ground that Petitioner told counsel that Santiago was looking at Petitioner in a way that made him feel uncomfortable. [ECF No. 13 at 2]. Petitioner acknowledges, however, that counsel did *not* object to Santiago on the ground that Santiago had seen him in shackles. [*Id.*]; *see also* [ECF No. 11-2 at 181-82 (voir dire transcript)].

The trial court rejected this claim after an evidentiary hearing in which counsel and Petitioner testified. [ECF No. 10-4 at 146-48]. Pertinently, the court found that Petitioner's contention that Santiago saw him in shackles "lacked credibility and was purely self-serving." [*Id.* at 147]. Furthermore, the court found credible counsel's testimony that he did not recall Santiago giving movant "strange, prolonged looks" and that he would have moved to strike Santiago had he believed that she was looking at Petitioner "in a strange manner indicative of feelings of prejudice and/or guilt." [*Id.* at 145-47].

"In the absence of clear and convincing evidence, [courts] have no power on federal habeas review to revisit the state court's credibility determinations." *Bishop v. Warden*, 726 F.3d 1243, 1259 (11th Cir. 2013) (citing, *inter alia*, *Marshall v. Lonberger*, 459 U.S. 422, 434 (1983)).

Here, Petitioner has not identified any evidence in the record, much less clear and convincing evidence, showing that the trial court's credibility determinations were incorrect. His conclusory allegations do not support an inference that the jury saw him in shackles or based its verdict on official suspicion, indictment, continued custody, or a similar circumstance.

Accordingly, the state courts' rejection of claim two was not contrary to, or an unreasonable application of, clearly established federal law or an unreasonable determination of the facts.

C. Claim Three

Claim three is related to claim one. Petitioner contends that counsel ineffectively failed to seek a continuance based on his alleged incompetence, which was caused partly by diabetic episodes. [ECF No. 1 at 7-8; ECF No. 13 at 3-5].

The trial court held that the record refuted this claim. [ECF No. 10-4 at 149]. In support, the trial court noted that the psychologist expressly found that Petitioner's diabetes had not affected his competence. [*Id.*] Further, the trial court noted that a special diet was ordered for the afternoon to ensure that Petitioner's blood sugar was within acceptable limits. [*Id.*] Additionally, the trial court found that Petitioner failed to "[bring] forth any credible evidence to rebut [the psychologist's] finding of competence." [*Id.*]

Here, the trial court reasonably concluded that the record refuted claim three. The trial transcript supports the trial court's findings. [ECF No. 11-4 at 7]. And, as noted above, Petitioner's counsel conceded that Petitioner was competent at the close of the evidence.

In sum, the state courts' rejection of claim three was not contrary to, or an unreasonable application of, clearly established federal law or an unreasonable determination of the facts.

IV. Evidentiary Hearing

"[B]efore a habeas petitioner may be entitled to a federal evidentiary hearing on a claim that has been adjudicated [on the merits] by the state court, he must demonstrate a clearly established federal-law error or an unreasonable determination of fact on the part of the state court, based solely on the state court record." *Landers*, 776 F.3d at 1295.

With respect to the first claim, the petition "does not allege enough specific facts that, if they were true, would warrant relief." *Jones v. Sec'y, Fla. Dep't of Corr.*, 834 F.3d 1299, 1319

(11th Cir. 2016) (citations omitted). Furthermore, Petitioner has not made an adequate proffer of the evidence he would introduce at an evidentiary hearing. *Id.* (citations omitted).

Claims two and three were adjudicated on the merits in state court, and Petitioner has not demonstrated error regarding these claims. Thus, an evidentiary hearing is unwarranted.

V. Certificate of Appealability

"The district court must issue or deny a certificate of appealability when it enters a final order adverse to the applicant." Rule 11(a), Rules Governing § 2254 Cases. "If the court issues a certificate, the court must state the specific issue or issues that satisfy the showing required by 28 U.S.C. § 2253(c)(2)." *Id.* "If the court denies a certificate, the parties may not appeal the denial but may seek a certificate from the court of appeals under Federal Rule of Appellate Procedure 22." *Id.* "A timely notice of appeal must be filed even if the district court issues a certificate of appealability." Rule 11(b), Rules Governing § 2254 Cases.

"A certificate of appealability 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). When a district court rejects a petitioner's constitutional claims on the merits, "a petitioner must show that reasonable jurists could debate whether . . . the petition should have been resolved in a different manner or that the issues presented were adequate to deserve encouragement to proceed further." *Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003).

Here, in view of the entire record, the undersigned denies a certificate of appealability. If petitioner disagrees, he may so argue in any objections filed with the district judge. *See* Rule 11(a), Rules Governing § 2254 Cases ("Before entering the final order, the court may direct the parties to submit arguments on whether a certificate should issue.").

VI. Recommendations

As discussed above, it is recommended that petitioner's § 2254 petition [ECF No. 1] be DENIED.

It is further recommended that no certificate of appealability issue; that final judgment be entered; and that this case closed.

Objections to this report may be filed with the district judge within fourteen days of receipt of a copy of the report. Failure to file timely objections shall bar petitioner from a *de novo* determination by the district judge of an issue covered in this report and shall bar the parties from attacking on appeal factual findings accepted or adopted by the district judge except upon grounds of plain error or manifest injustice. *See* 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140, 148-53 (1985).

SIGNED this 22nd day of June, 2021.

Lisette Reid
UNITED STATES MAGISTRATE JUDGE

Jessie Jackson
L94249
Suwannee Correctional Institution
Inmate Mail/Parcels
5964 US Highway 90
Live Oak, FL 32060
PRO SE

Mitchell A. Egber
Attorney General Office
1515 N Flagler Drive
9th Floor
West Palm Beach, FL 33401-3432

561-837-5000
Fax: 561-837-5099
Email: mitchell_egber@myfloridalegal.com

Noticing 2254 SAG Broward and North
Email: CrimAppWPB@MyFloridaLegal.com

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 19-61428-CV-SMITH

JESSIE JACKSON,

Petitioner,

v.

MARK S. INCH,

Respondent.
_____/

ORDER AFFIRMING REPORT OF MAGISTRATE JUDGE

This matter is before the Court on Magistrate Judge Lisette Reid's Report [DE 21] ("Report"), which recommends that Petitioner's federal habeas petition be denied, and final judgment be entered in favor of Respondent. Petitioner has filed Objections to the Report [DE 23] ("Objections"). After *de novo* review of the record and for the reasons discussed below, the Report is affirmed and adopted, and Petitioner's Objections are overruled.

I. STANDARD OF REVIEW

To "challenge the findings and recommendations of the magistrate, a party must . . . [file] written objections which shall specifically identify the portions of the proposed findings and recommendation to which objection is made and the specific basis for objection." *Heath v. Jones*, 863 F.2d 815, 822 (11th Cir. 1989). "Upon receipt of objections meeting the specificity requirement set out above . . . [the district court] . . . make[s] a *de novo* determination of those portions of the report, proposed findings, or recommendation to which objection is made and may accept, reject, or modify in whole or in part, the findings or recommendations made by the magistrate." *Id.* "The district judge reviews legal conclusions *de novo*, even in the absence of an objection." *Lacy v. Apfel*, No. 2:97-CV-153-FTM-29D, 2000 WL 33277680, at *1 (M.D. Fla. Oct.

E A

observations, the court strongly disagreed with counsel's contention that Petitioner was incompetent. (*Id.*) Despite the trial judge's skepticism, a competency evaluation was performed, and a psychologist found Petitioner competent. (*Id.*) Petitioner objects, arguing that Magistrate Judge Reid's rejection of this claim was based on a un unreasonable application of *Strickland.* (Objs. at 5-6.) Magistrate Judge Reid's well-reasoned report addressed the state court's denial of this claim and properly applied *Strickland* to deny the claim in this federal habeas proceeding. Plaintiff's objections to the denial of the first claim are overruled and the recommendation to deny this claim will be adopted.

In his second claim, Petitioner contended that counsel was ineffective for allowing the jury to see him in shackles. (Pet. at 5-6.) Magistrate Judge Reid denied this claim finding that the state court had properly found counsel was not ineffective because Petitioner had not established that the jury had seen him shackled. (Report at 8.) The state court made this finding after an evidentiary hearing, where the court found Petitioner's testimony that the jury saw him in shackles was not credible. (DE 10-4 at 145-48.) The court also found counsel's testimony that Petitioner never raised the issue with him to be credible. (*Id.*) Petitioner objects that Magistrate Judge Reid's application of *Strickland* was unreasonable. As discussed above, Judge Reid denied this claim after giving deference to the state court's credibility finding. Petitioner has failed to present any clear and convincing evidence that would allow this Court to second guess the state court's credibility findings. Thus, Magistrate Judge Reid's finding that the state court's denial of this claim was not contrary to or an unreasonable application of *Strickland* will be adopted.

In his third and final claim, Petitioner argued that trial counsel was ineffective for failing to seek a continuance based on Petitioner's alleged incompetence. (Pet. at 7-8.) Magistrate Judge Reid denied this claim finding that the state court had properly found the claim had been refuted by the record. (Report at 9.) This finding was correct. As noted by Magistrate Judge Reid, a

1) The Report [DE 21] is **AFFIRMED AND ADOPTED**:

   a. the Petition [DE 1] is **DENIED**;

   b. no certificate of appealability shall issue; and

   c. **FINAL JUDGMENT** is entered in favor of Respondent.

2) All pending motions not otherwise ruled on are **DENIED AS MOOT**.

3) This case is **CLOSED**.

DONE AND ORDERED in Fort Lauderdale, Florida, on this 7th day of December, 2021.

RODNEY SMITH
UNITED STATES DISTRICT JUDGE

cc:
Jessie Jackson
L94249
Suwannee Correctional Institution
Inmate Mail/Parcels
5964 US Highway 90
Live Oak, FL 32060
PRO SE

Mitchell A. Egber
Attorney General Office
1515 N Flagler Drive
9th Floor
West Palm Beach, FL 33401-3432
561-837-5000
Fax: 561-837-5099
Email: mitchell_egber@myfloridalegal.com

U.S. District Court - Southern District of Florida

REC'D
6/30/21

Jessie Jackson L94249
Suwannee Correctional Institution
Inmate Mail/Parcels
5964 US Highway 90
Live Oak, FL 32060

Case: 0:19-cv-61428-RS #21 14 pages Wed Jun 23 9:51:08 2021

IMPORTANT: REDACTION REQUIREMENTS AND PRIVACY POLICY

Note: This is NOT a request for information.

Do NOT include personal identifiers in documents filed with the Court, unless specifically permitted by the rules or Court Order. If you MUST include personal identifiers, ONLY include the limited information noted below:

- Social Security number: last four digits only
- Taxpayer ID number: last four digits only
- Financial Account Numbers: last four digits only
- Date of Birth: year only
- Minor's name: initials only
- Home Address: city and state only (for criminal cases only).

Attorneys and parties are responsible for redacting (removing) personal identifiers from filings. The Clerk's Office does not check filings for personal information. Any personal information included in filings will be accessible to the public over the internet via PACER.

For additional information, refer to Fed. R. Civ. P. 5.2 and Fed. R. Crim. P. 49.1. Also see the CM/ECF Administrative Procedures located on the Court's website www.flsd.uscourts.gov.

IMPORTANT: REQUIREMENT TO MAINTAIN CURRENT MAILING ADDRESS AND CONTACT INFORMATION

Pursuant to Administrative Order 2005-38, parties appearing pro se and counsel appearing pro hac vice must file, in each pending case, a notice of change of mailing address or contact information whenever such a change occurs. If court notices sent via the U.S. mail are returned as undeliverable TWICE in a case, notices will no longer be sent to that party until a current mailing address is provided.

IMPORTANT: ADDITIONAL TIME TO RESPOND FOR NON-ELECTRONIC SERVICE

Additional days to respond may be available to parties serviced by non-electronic means. See Fed.R.Civ.P.6(d), Fed.R.Crim.P.45(c) and Local Rule 7.1(c)(1)(A). Parties are advised that the response deadlines automatically calculated in CMECF do NOT account for and may NOT be accurate when service is by mail. Parties may NOT rely on response times calculated in CMECF, which are only a general guide, and must calculate response deadlines themselves.

See reverse side

Subject:Activity in Case 0:19-cv-61428-RS Jackson v. Secretary, Florida Department of Corrections Report and Recommendations
This is an automatic e-mail message generated by the CM/ECF system.
Please DO NOT RESPOND to this e-mail because the mail box is unattended.
NOTE TO PUBLIC ACCESS USERS Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

U.S. District Court
Southern District of Florida

Notice of Electronic Filing
The following transaction was entered on 6/23/2021 9:48 AM EDT and filed on 6/22/2021

Case Name: Jackson v. Secretary, Florida Department of Corrections
Case Number: 0:19-cv-61428-RS

Filer:

Document Number: 21

Docket Text:
REPORT AND RECOMMENDATIONS on 28 USC 2254 case re [1] Application/Petition (Complaint) for Writ of Habeas Corpus filed by Jessie Jackson; Recommending that petitioner's § 2254 petition [ECF No. 1] be DENIED; that petitioners § 2254 petition [ECF No. 1] be DENIED. Objections to R&R due by 7/6/2021. Signed by Magistrate Judge Lisette M. Reid on 6/22/2021. <I>See attached document for full details.</I> (br)

0:19-cv-61428-RS Notice has been electronically mailed to:
Noticing 2254 SAG Broward and North CrimAppWPB@MyFloridaLegal.com

Mitchell A. Egber
mitchell_egber@myfloridalegal.com

0:19-cv-61428-RS Notice has not been delivered electronically to those listed below and will be provided by other means. For further assistance, please contact our Help Desk at 1-888-318-2260.:
Jessie Jackson
L94249

Service list page 1 only

RECD
10/4/22

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 21-14500-G

JESSIE JACKSON,

Petitioner-Appellant,

versus

SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS,

Respondent-Appellee.

Appeals from the United States District Court
for the Southern District of Florida

Before NEWSOM and BRANCH, Circuit Judges.

BY THE COURT:

Jessie Jackson has filed a motion for reconsideration, pursuant to 11th Cir. R. 22-1(c) and 27-2, of this Court's August 23, 2022, order denying a certificate of appealability and leave to proceed *in forma pauperis*. Upon review, Jackson's motion for reconsideration is DENIED because he has not alleged any points of law or fact that this Court overlooked or misapprehended in denying his motion.

Appendix C

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