IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 22-13096-A

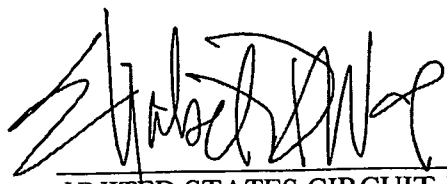TYRELL RAKEEM MOBLEY,

Petitioner-Appellant,

versus

SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS,
FLORIDA ATTORNEY GENERAL,
STATE OF FLORIDA,

Respondents-Appellees.

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

ORDER:

Tyrell Mobley moves for a certificate of appealability ("COA") in order to appeal the

dismissal of his 28 U.S.C. § 2254 petition as untimely. To merit a certificate of appealability, a

movant must show that reasonable jurists would find debatable both (1) the merits of an underlying

claim, and (2) the procedural issues that he seeks to raise. *See* 28 U.S.C. § 2253(c)(2); *Slack v.

McDaniel*, 529 U.S. 473, 484 (2000). Because Mobley has failed to make the requisite showing,

his motion for a COA is DENIED. His motion for leave to proceed *in forma pauperis* is DENIED

AS MOOT.

UNITED STATES CIRCUIT JUDGE

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Petitioner-Appellant,

versus

SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS,
FLORIDA ATTORNEY GENERAL,
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Respondents-Appellees.

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

_____

Before: BRANCH and LUCK, Circuit Judges.

BY THE COURT:

Tyrell Mobley has moved for leave to file an out-of-time motion for reconsideration of this

Court's January 4, 2023, order denying his motion for a certificate of appealability and for leave

to proceed *in forma pauperis,* on appeal from the district court's order dismissing his *pro se* 28

U.S.C. § 2254 petition as untimely. He has also filed a motion for reconsideration. Mobley's

motion for leave to file his out-of-time motion for reconsideration is GRANTED. Because,

however, Mobley has not alleged any points of law or fact that this Court overlooked or

misapprehended in denying his motions, his motion for reconsideration is DENIED.

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