

CERTIFICATE OF APPEALABILITY

DENIED ON

February 22, 2023

(herein)

BLD-094

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. 22-3258

DANIEL VINCENT, Appellant

VS.

SUPERINTENDENT SMITHFIELD SCI, ET AL.

(E.D. Pa. Civ. No. 2:19-cv-02399)

Present: KRAUSE, PORTER, and AMBRO, 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

The foregoing request for a certificate of appealability is denied. See 28 U.S.C. § 2253(c). For substantially the same reasons given by the District Court, jurists of reason would agree, without debate, that Vincent's claims are procedurally defaulted or meritless. See Slack v. McDaniel, 529 U.S. 473, 484 (2000); Strickland v. Washington, 466 U.S. 668, 687 (1984); Martinez v. Ryan, 566 U.S. 1 (2012). Further, even if jurists of reason could debate whether the PCRA court's refusal to consider claims raised in an amended PCRA petition represents an adequate and independent state law ground barring federal review, jurists of reason would agree without debate that Vincent has not "made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2).

By the Court,

/S Cheryl Ann Krause
Circuit Judge



A True Copy:

Patricia S. Dodszeit

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

OFFICE OF THE CLERK

PATRICIA S. DODSZUWEIT

CLERK



UNITED STATES COURT OF APPEALS

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February 22, 2023

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RE: Daniel Vincent v. Superintendent Smithfield SCI, et al

Case Number: 22-3258

District Court Case Number: 2-19-cv-02399

ENTRY OF JUDGMENT

Today, **February 22, 2023** 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.

PETITION FOR REHEARING
DENIED ON
MARCH 24, 2023
(herein)

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/ Cheryl Ann Krause
Circuit Judge

Dated: March 24, 2023
Tmm/cc: Daniel Vincent
William R. Toal, III, Esq.
Ronald Eisenberg, Esq.