

E.D.N.Y. - Bklyn
97-cv-6868
Donnelly, J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 9th day of February, two thousand twenty-two.

Present:

Rosemary S. Pooler,
Robert D. Sack,
William J. Nardini,
Circuit Judges.

Demetrio LiFrieri,

Petitioner-Appellant,

v.


21-2467

James Stinson,

Respondent-Appellee.

Appellant, pro se, moves for a certificate of appealability, in forma pauperis status, and appointment of counsel. Upon due consideration, it is hereby ORDERED that the motion is DENIED and the appeal is DISMISSED because Appellant has failed to show that "(1) jurists of reason would find it debatable whether the district court abused its discretion in denying the Rule 60(b) motion, and (2) jurists of reason would find it debatable whether the underlying habeas petition, in light of the grounds alleged to support the [Rule] 60(b) motion, states a valid claim of the denial of a constitutional right." *Kellogg v. Strack*, 269 F.3d 100, 104 (2d Cir. 2001) (per curiam).

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk of Court

Catherine O'Hagan Wolfe


UNITED STATES COURT OF APPEALS
FOR THE
SECOND CIRCUIT

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 25th day of May, two thousand twenty-two.

Before: Rosemary S. Pooler,
Robert D. Sack,
William J. Nardini,
Circuit Judges.

Demetrio LiFrieri,
Petitioner-Appellant,

v.

James Stinson,
Respondent-Appellee.

ORDER


Docket No. 21-2467

Appellant, *pro se*, moves to recall the mandate, for leave to file a late motion for reconsideration or reconsideration *en banc*, and for leave to attach exhibits to his motion for reconsideration or reconsideration *en banc*.

IT IS HEREBY ORDERED that the motions are DENIED. Appellant's motion for reconsideration or reconsideration *en banc* is DENIED as moot.

For the Court:

Catherine O'Hagan Wolfe,
Clerk of Court

Catherine O'Hagan Wolfe


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