

United States Court of Appeals For the First Circuit

No. 21-1514

JEFFREY A. COOKSON,

Petitioner - Appellant,

v.

MATTHEW MAGNUSSON, Warden, Maine State Prison,

Respondent - Appellee.

Before

Barron, Chief Judge,
Lynch, Thompson,
Kayatta and Gelpí, Circuit Judges.

ORDER OF COURT

Entered: May 17, 2022

Pursuant to First Circuit Internal Operating Procedure X(C), the petition for rehearing en banc also has been treated as a petition for rehearing before the original panel. The petition for rehearing having been denied by the panel of judges who decided the case, and the petition for rehearing en banc having been submitted to the active judges of this court and a majority of the judges not having voted that the case be heard en banc, it is ordered that the petition for rehearing and the petition for rehearing en banc be **denied**.

Petitioner's additional requests for "[c]larification as [to] the meaning of [his] request to seal" and for a copy of the sealed transcript are **denied**. The clerk is directed to send a copy of the docket sheet to petitioner.

By the Court:

Maria R. Hamilton, Clerk

cc:

Jeffrey A. Cookson

Donald W. Macomber

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Before

Lynch, Thompson and Gelpí,
Circuit Judges.

JUDGMENT

Entered: April 7, 2022

Petitioner Jeffrey A. Cookson seeks a certificate of appealability ("COA") to appeal from the denial of his petition pursuant to 28 U.S.C. § 2254. After careful review of the application and relevant portions of the record, we conclude that Petitioner has failed to demonstrate that reasonable jurists would find the district court's assessment of his claims, as set forth in the magistrate judge's February 24, 2020, "recommended decision on 28 U.S.C. § 2254 petition", debatable or wrong and that Petitioner, therefore, has failed to make "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2); Slack v. McDaniel, 529 U.S. 473, 484 (2000) (certificate of appealability standard).

Petitioner's application for a certificate of appealability is **DENIED**. The appeal is **TERMINATED**. Petitioner's request to seal a tendered portion of a grand jury transcript is **GRANTED**, and the tendered filing is accepted for filing under seal. Any remaining pending requests, to the extent not mooted by the foregoing, are **DENIED**.

By the Court:

Maria R. Hamilton, Clerk

cc: Jeffrey A. Cookson, Donald W. Macomber