

S.D.N.Y. – N.Y.C.
18-cv-3372
Cote, 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 5th day of January, two thousand twenty-two.

Present:

Dennis Jacobs,
Reena Raggi,
William J. Nardini,
Circuit Judges.

Joseph Ray Jordan,

Petitioner-Appellant,

v.

21-576 (L),
21-1054 (Con)

United States of America,

Respondent-Appellee.

Appellant, pro se, moves for a certificate of appealability, in forma pauperis status, and other relief. Appellant filed two notices of appeal in the district court, resulting in the creation of two appellate dockets. As to Docket Number 21-1054, this Court has determined *sua sponte* that the notice of appeal was untimely filed. Upon due consideration, it is hereby ORDERED that the appeal is DISMISSED for lack of jurisdiction. *See* 28 U.S.C. § 2107; *Bowles v. Russell*, 551 U.S. 205, 214 (2007).

As to Docket Number 21-576, upon due consideration, it is hereby ORDERED that the motion for a certificate of appealability 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).

It is further ORDERED that Appellant's remaining motions are DENIED as moot.

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




**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 24th day of June, two thousand twenty-two.

Joseph Ray Jordan,

Petitioner - Appellant,

v.

United States of America,

Respondent - Appellee.

ORDER

Docket Nos: 21-576 (L)
21-1054 (Con)

Appellant, Joseph Ray Jordan, filed a motion for panel reconsideration, or, in the alternative, for reconsideration *en banc*. The panel that determined the appeal has considered the request for reconsideration, and the active members of the Court have considered the request for reconsideration *en banc*.

IT IS HEREBY ORDERED that the motion is denied.

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk


