

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

David J. Smith
Clerk of Court

For rules and forms visit
www.ca11.uscourts.gov

September 30, 2022

Clerk - Middle District of Florida
U.S. District Court
U.S. Courthouse and Federal Building
2110 1ST ST
FORT MYERS, FL 33901

Appeal Number: 21-13085-A
Case Style: Thomas Profetto v. Secretary, DOC, et al
District Court Docket No: 2:17-cv-00533-SPC-MRM

The enclosed copy of this Court's order denying the application for a Certificate of Appealability is issued as the mandate of this court. See 11th Cir. R. 41-4. Counsel and pro se parties are advised that pursuant to 11th Cir. R. 27-2, "a motion to reconsider, vacate, or modify an order must be filed within 21 days of the entry of such order. No additional time shall be allowed for mailing."

Any pending motions are now rendered moot in light of the attached order.

Sincerely,

DAVID J. SMITH, Clerk of Court

Reply to: Toya J. Stevenson/mt, A
Phone #: (404) 335-6188

Enclosure(s)

DIS-4 Multi-purpose dismissal letter

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 21-13085-A

THOMAS J. PROFETTO,

Petitioner-Appellant,

versus

SECRETARY, DOC,
FLORIDA ATTORNEY GENERAL,

Respondents-Appellees.

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

ORDER:

Because Thomas Profetto has failed to make a substantial showing of the denial of a constitutional right, his motion for a certificate of appealability is DENIED and his motion for leave to proceed on appeal *in forma pauperis* is DENIED AS MOOT. 28 U.S.C. § 2253(c)(2).

/s/ Robert J. Luck
UNITED STATES CIRCUIT JUDGE

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November 08, 2022

Thomas J. Profetto
Avon Park CI - Inmate Legal Mail
8100 HWY 64E
AVON PARK, FL 33825

Appeal Number: 21-13085-A
Case Style: Thomas Profetto v. Secretary, DOC, et al
District Court Docket No: 2:17-cv-00533-SPC-MRM

Electronic Filing

All counsel must file documents electronically using the Electronic Case Files ("ECF") system, unless exempted for good cause. Although not required, non-incarcerated pro se parties are permitted to use the ECF system by registering for an account at www.pacer.gov. Information and training materials related to electronic filing are available on the Court's website.

The enclosed order has been ENTERED.

Sincerely,

DAVID J. SMITH, Clerk of Court

Reply to: Toya J. Stevenson, A
Phone #: (404) 335-6188

MOT-2 Notice of Court Action

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 21-13085-A

THOMAS J. PROFETTO,

Petitioner-Appellant,

versus

SECRETARY, DOC,
FLORIDA ATTORNEY GENERAL,

Respondents-Appellees.

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

Before: BRANCH and LUCK, Circuit Judges.

BY THE COURT:

Thomas Profetto has filed a motion for reconsideration, pursuant to 11th Cir. R. 22-1(c) and 27-2, of this Court's order dated September 29, 2022, denying his motion for a certificate of appealability and denying as moot his motion for leave to proceed on appeal *in forma pauperis*, in his appeal from the district court's denial of his *pro se* 28 U.S.C. § 2254 habeas corpus petition. Because Profetto 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.