

APPENDIA A

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 22-2539

UNITED STATES OF AMERICA

v.

SETH WILLIAMS,
Appellant

On Appeal from the
United States District Court for the Middle District of Pennsylvania
(D.C. Civil Action No. 1-10-cr-00341-001)
District Judge: Honorable Yvette Kane

SUR PETITION FOR REHEARING

Present: CHAGARES, *Chief Judge*, JORDAN, HARDIMAN, GREENAWAY, JR.,
SHWARTZ, KRAUSE, RESTREPO, BIBAS, PORTER, MATEY, PHIPPS, and
FREEMAN, *Circuit Judges*.

The petition for rehearing filed by Appellant in the above-entitled case having been submitted to the judges who participated in the decision of this Court and to all the other available circuit judges of the circuit in regular active service, and no judge who concurred in the decision having asked for rehearing, and a majority of the judges of the circuit in regular service not having voted for rehearing, the petition for rehearing by the Court en banc, is denied.

BY THE COURT,

s/ Joseph A. Greenaway, Jr.
Circuit Judge

Dated: March 13, 2023

Sb/cc: Seth Williams

Christian T. Haugsby, Esq.

APPENDIX B

OFFICE OF THE CLERK

PATRICIA S. DODSZUWEIT

CLERK



UNITED STATES COURT OF APPEALS

FOR THE THIRD CIRCUIT
21400 UNITED STATES COURTHOUSE
601 MARKET STREET
PHILADELPHIA, PA 19106-1790
Website: www.ca3.uscourts.gov

TELEPHONE
215-597-2995

February 3, 2023

Christian T. Haugsby
Office of United States Attorney
Middle District of Pennsylvania
228 Walnut Street, P.O. Box 11754
220 Federal Building and Courthouse
Harrisburg, PA 17108

Seth Williams
Coleman FCI Low
P.O. Box 1031
Coleman, FL 33521

RE: USA v. Seth Williams
Case Number: 22-2539
District Court Case Number: 1-10-cr-00341-001

ENTRY OF JUDGMENT

Today, **February 03, 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.

Time for Filing:

14 days after entry of judgment.

45 days after entry of judgment in a civil case if the United States is a party.

Form Limits:

3900 words if produced by a computer, with a certificate of compliance pursuant to Fed. R. App. P. 32(g).

15 pages if hand or type written.

Attachments:

A copy of the panel's opinion and judgment only.

Certificate of service.

Certificate of compliance if petition is produced by a computer.

No other attachments are permitted without first obtaining leave from the Court.

Unless the petition specifies that the petition seeks only panel rehearing, the petition will be construed as requesting both panel and en banc rehearing. Pursuant to Fed. R. App. P. 35(b)(3), if separate petitions for panel rehearing and rehearing en banc are submitted, they will be treated as a single document and will be subject to the form limits as set forth in Fed. R. App. P. 35(b)(2). If only panel rehearing is sought, the Court's rules do not provide for the subsequent filing of a petition for rehearing en banc in the event that the petition seeking only panel rehearing is denied.

Please consult the Rules of the Supreme Court of the United States regarding the timing and requirements for filing a petition for writ of certiorari.

Very truly yours,
Patricia S. Dodszeit, Clerk

By: s/Laurie
Case Manager
267-299-4936

CLD-067

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. **22-2539**

UNITED STATES OF AMERICA

VS.

SETH WILLIAMS, Appellant

(M.D. Pa. Crim. No. 1-10-cr-00341-001)

Present: GREENAWAY, JR., MATEY, and FREEMAN, Circuit Judges

Submitted are:

- (1) By the Clerk is the within appeal for possible summary action under 3rd Cir. LAR 27.4 and Chapter 10.6 of the Court's Internal Operating Procedures and for a determination as to whether a certificate of appealability is required;
- (2) By the Clerk for possible dismissal due to lack of timely filing;
- (3) Appellant's response; and
- (4) Appellant's motion under Rule 36

in the above-captioned case.

Respectfully,

Clerk

ORDER

Appellant Seth Williams appeals from an order entered by the District Court on July 27, 2022, granting in part and denying in part his motion to correct his judgment of sentence pursuant to Federal Rule of Criminal Procedure 36. First, we decline to dismiss this appeal for lack of timely filing, as Federal Rule of Appellate Procedure 4(b) is not jurisdictional where the Government has not raised the issue of timeliness on appeal and Williams' notice of appeal was filed just one day late. See United States v. Muhammad, 701 F.3d 109, 111 (3d Cir. 2012); see also United States v. Mitchell, 518 F.3d 740, 751

(10th Cir. 2008) (declining to sua sponte dismiss a criminal appeal filed “one day late”). However, we summarily affirm the District Court’s order, as this appeal presents no substantial question. See 3d Cir. I.O.P. 10.6. To the extent that Williams sought to correct a clerical error in his judgment, the District Court appropriately did so, and to the extent Williams sought any other form of relief from his sentence, “Rule 36 provides no basis to correct substantive errors in [a] sentence.” See United States v. Bennett, 423 F.3d 271, 278 (3d Cir. 2005). In light of this disposition, we deny appellant’s pending motion. We need not decide whether to issue a certificate of appealability because one is not required for this appeal. See 28 U.S.C. § 2253(c)(1).

By the Court,

s/Joseph A. Greenaway, Jr.
Circuit Judge

Dated: February 3, 2023
Lmr/cc: Christian T. Haugsby, Esq.
Seth Williams

APPENDIX C

CLD-067

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. 22-2539

UNITED STATES OF AMERICA

VS.

SETH WILLIAMS, Appellant

(M.D. Pa. Crim. No. 1-10-cr-00341-001)

Present: GREENAWAY, JR., MATEY, and FREEMAN, Circuit Judges

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in the above-captioned case.

Respectfully,

Clerk

ORDER

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(10th Cir. 2008) (declining to sua sponte dismiss a criminal appeal filed “one day late”). However, we summarily affirm the District Court’s order, as this appeal presents no substantial question. See 3d Cir. I.O.P. 10.6. To the extent that Williams sought to correct a clerical error in his judgment, the District Court appropriately did so, and to the extent Williams sought any other form of relief from his sentence, “Rule 36 provides no basis to correct substantive errors in [a] sentence.” See United States v. Bennett, 423 F.3d 271, 278 (3d Cir. 2005). In light of this disposition, we deny appellant’s pending motion. We need not decide whether to issue a certificate of appealability because one is not required for this appeal. See 28 U.S.C. § 2253(c)(1).

By the Court,

s/Joseph A. Greenaway, Jr.
Circuit Judge

Dated: February 3, 2023
Lmr/cc: Christian T. Haugsby, Esq.
Seth Williams


Certified as a true copy and issued in lieu
of a formal mandate on March 21, 2023

Teste: Patricia A. Dodegawer, C.
Clerk, U.S. Court of Appeals for the Third Circuit

APPENDIX D

OFFICE OF THE CLERK

PATRICIA S. DODSZUWEIT

CLERK



UNITED STATES COURT OF APPEALS

FOR THE THIRD CIRCUIT
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PHILADELPHIA, PA 19106-1790

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TELEPHONE

215-597-2995

March 21, 2023

Mr. Peter J. Welsh, Clerk
United States District Court for the Middle District of Pennsylvania
Ronald Reagan Federal Building
228 Walnut Street
Harrisburg, PA 17108

RE: USA v. Seth Williams
Case Number: 22-2539
District Court Case Number: 1-10-cr-00341-001

Dear District Court Clerk:

Enclosed herewith is the certified copy of the order in the above-captioned case(s). The certified order is issued in lieu of a formal mandate and is to be treated in all respects as a mandate.

Counsel are advised of the issuance of the mandate by copy of this letter. The certified order is also enclosed showing costs taxed, if any.

Very truly yours,
Patricia S. Dodszeit, Clerk

By: s/ Kirsi
Case Manager
267-299-4911

cc: Seth Williams
Christian T. Haugsby, Esq.

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