

APPENDIX A

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 23-5229

September Term, 2023

1:23-cv-02597-UNA

Filed On: February 2, 2024

Martin Akerman,

Appellant

v.

United States of America,

Appellee

BEFORE: Katsas, Rao, and Garcia, Circuit Judges

ORDER

Upon consideration of the notice of appeal, which the court construes as including a request for a certificate of appealability; appellant's brief; the motion to consolidate; and the motion for leave to file a deferred appendix, it is

ORDERED that the request for a certificate of appealability be denied and that the appeal be dismissed. See 28 U.S.C. § 2253(c)(1); see also United States v. Saro, 252 F.3d 449, 452-53, 455-56 (D.C. Cir. 2001). Appellant has not demonstrated that "jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right," or "that jurists of reason would find it debatable whether the district court was correct in its procedural ruling." See Slack v. McDaniel, 529 U.S. 473, 484 (2000). It is

FURTHER ORDERED that the motion to consolidate and the motion for leave to file a deferred appendix be dismissed as moot.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. Because no certificate of appealability has been allowed, no mandate will issue.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Selena R. Gancasz
Deputy Clerk

APPENDIX B

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MARTIN AKERMAN,)
Petitioner,)
v.) Civil Action No. 23-02597 (UNA)
UNITED STATES OF AMERICA,)
Respondent.)

ORDER

Petitioner Martin Akerman is a resident of Arlington, Virginia, who has filed *pro se* a “Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct a Sentence By A Person in Federal Custody,” ECF No. 1, and a form application to proceed *in forma pauperis* (“IFP”), ECF No. 2. Petitioner has not answered the questions in the IFP application to enable an assessment of his ability to pay the \$5 filing fee applicable to habeas actions. *See* 28 U.S.C. § 1914. In addition, the Petition appears to arise from a conviction not entered in this court and thus over which jurisdiction is lacking. *See* 28 U.S.C. § 2255(a) (“A prisoner in custody under sentence of a court established by Act of Congress claiming the right to be released” on certain grounds must “move the court which imposed the sentence to vacate, set aside or correct the sentence.”). Accordingly, it is

ORDERED that Petitioner’s motion for leave to proceed *in forma pauperis*, ECF No. 2, is **DENIED**, and Petitioner’s motion to appoint counsel and for a CM/ECF Password, ECF No. 3, is **DENIED** as moot; it is further

ORDERED that this case is **DISMISSED** without prejudice and closed.

s/
JIA M. COBB
United States District Judge

Date: October 4, 2023