

In the
United States Court of Appeals
For the Eleventh Circuit

No. 22-12588

MARCUS KELLY,

Petitioner-Appellant,

versus

SECRETARY, DEPARTMENT OF CORRECTIONS,

Respondent-Appellee.

Appeal from the United States District Court
for the Southern District of Florida
D.C. Docket No. 2:20-cv-14348-AMC

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Order of the Court

22-12588

ORDER:

Marcus Kelly moves for a certificate of appealability in order to appeal the denial of his 28 U.S.C. § 2254 petition for habeas corpus. His motion is DENIED because he has failed to make a substantial showing of the denial of a constitutional right. *See* 28 U.S.C. § 2253(c)(2).

/s/ Robert J. Luck

UNITED STATES CIRCUIT JUDGE

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Before ROSENBAUM and LUCK, Circuit Judges.

BY THE COURT:

Marcus Kelly has filed a motion for reconsideration, pursuant to 11th Cir. R. 22-1(c) and 27-2, of this Court's order dated September 6, 2023, denying his motion for a certificate of appealability in his appeal of the denial of his 28 U.S.C. § 2254 habeas corpus petition. Upon review, Kelly's motion for reconsideration is DENIED because he has not alleged any points of law or fact that this Court overlooked or misapprehended in denying his motions.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
FORT PIERCE DIVISION

CASE NO. 20-14348-CIV-CANNON/Reid

MARCUS KELLY,

Petitioner,

v.

FLORIDA DEPARTMENT OF CORRECTIONS

Ricky D. Dixon, Secretary,

Respondent.

FINAL JUDGMENT

THIS CAUSE comes before the Court upon Petitioner's pro se Amended Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 [ECF No. 14]. On July 5, 2022, the Court entered an Order Accepting Magistrate Judge Lisette M. Reid's Report and Recommendation ("R&R"), which recommended that Petitioner's Petition be denied on the merits as to claims 2, 3, 4, 5, and 6A, and dismissed as to claims 1 and 6B, and that the case be closed. For the reasons stated in the Order [ECF No. 40] and R&R [ECF No. 39], and pursuant to Rule 58 of the Federal Rules of Civil Procedure, it is

ORDERED AND ADJUDGED that Final Judgment is hereby **ENTERED** in favor of Respondent and against Petitioner, Marcus Kelly.

DONE AND ORDERED in Chambers at Fort Pierce, Florida, this 5th day of July 2022.



AILEEN M. CANNON
UNITED STATES DISTRICT JUDGE

cc: counsel of record

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