

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

February 1, 2024

Christopher M. Wolpert
Clerk of Court

MARQESE LYNN PAYNE,

Petitioner - Appellant,

v.

JANET DOWLING, Warden,

Respondent - Appellee.

No. 24-5007
(D.C. No. 4:17-CV-00151-JHP-FHM)
(N.D. Okla.)

ORDER

Before **HARTZ, BACHARACH**, and **ROSSMAN**, Circuit Judges.

This matter comes before the court on review of Mr. Payne's pro se notice of appeal. In his notice of appeal, Mr. Payne indicates his intent to appeal a judgment entered on October 8, 2019. A review of the district court's docket reveals that the district court did not enter a judgment on October 8, 2019. That is, however, the date of this court's order denying a certificate of appealability in Mr. Payne's prior appeals, Nos. 18-5106 and 18-5118. As such, it appears that Mr. Payne is attempting to appeal this court's order.

A party cannot seek review of a decision entered by this court by filing a notice of appeal in the district court. To request review by a higher court of a decision issued by this court, a party must file a petition for writ of certiorari with the United States Supreme

Appendix A

Court within the applicable time period. *See* 28 U.S.C. § 2101; Sup. Ct. Rs. 12-13. This appeal is procedurally improper.

APPEAL DISMISSED.

Entered for the Court

A handwritten signature in black ink, appearing to read 'C. Wolpert', with a long horizontal stroke extending to the right.

CHRISTOPHER M. WOLPERT, Clerk