

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

FILED  
United States Court of Appeals  
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



CHRISTOPHER M. WOLPERT, Clerk

APPendix A