

APPENDIX A

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 22-12252-J

SANFORD BENJAMIN GLOSTER,

Petitioner-Appellant,

versus

SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS,
ATTORNEY GENERAL, STATE OF FLORIDA,

Respondents-Appellees.

Appeal from the United States District Court
for the Middle District of Florida

ORDER:

Sanford Gloster is a Florida prisoner serving life imprisonment for first-degree premeditated murder. He moves for a certificate of appealability (“COA”) to appeal the dismissal of his 28 U.S.C. § 2254 petition as time-barred, and for leave to proceed on appeal *in forma pauperis* (“IFP”).

To obtain a COA, a petitioner must make “a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(2). Where the district court has denied a § 2254 petition, at least in part, on procedural grounds, the petitioner must show that jurists of reason would find it debatable whether (1) the district court was correct in its procedural ruling, and (2) the petition states a valid claim of the denial of a constitutional right. *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

Under the Antiterrorism and Effective Death Penalty Act of 1996 (“AEDPA”), § 2254 petitions are governed by a one-year statute of limitations that begins to run on the latest of four triggering events, including when the judgment becomes final. 28 U.S.C. § 2244(d)(1)(A). However, the AEDPA’s statute of limitations is not jurisdictional, and a district court may review an untimely § 2254 petition if it determines that the petitioner is entitled to equitable tolling. *San Martin v. McNeil*, 633 F.3d 1257, 1267 (11th Cir. 2011). To be entitled to equitable tolling, a petitioner must show both “(1) that he has been pursuing his rights diligently, and (2) that some extraordinary circumstance stood in his way and prevented timely filing.” *Holland v. Florida*, 560 U.S. 631, 649 (2010).

Here, reasonable jurists would not debate the district court’s determination that Gloster’s § 2254 petition was time-barred and that he was not entitled to equitable tolling. *See Slack*, 529 U.S. at 484. First, Gloster’s § 2254 petition was untimely. His conviction and sentence became final on February 28, 2013, which was 90 days after the Florida Second District Court of Appeal affirmed his conviction and sentence on November 30, 2012. Thus, absent any statutory or equitable tolling, he had one year from that date to file a § 2254 petition.

When Gloster filed his first Rule 3.850 motion on October 23, 2013, 236 days of the limitation period had run. The limitation period began to run again on January 29, 2016, the day after the issuance of the mandate affirming the denial of Gloster’s first Rule 3.850 motion. The limitation period ran for an additional 129 days and expired on June 6, 2016. The district court properly found that neither Gloster’s second or third Rule 3.850 motions, filed on January 11, 2016, and April 2, 2018, respectively, tolled the statute of limitations, as both were untimely, and thus, were not properly filed. Accordingly, Gloster’s § 2254 petition, filed on September 24, 2019, was untimely.

Second, Gloster is not entitled to equitable tolling. He did not demonstrate that he was diligently pursuing his rights in an attempt to timely file his § 2254 petition. Importantly, it was Gloster's burden to prove that he took reasonable efforts to timely file his petition. However, there is no evidence that he took specific actions toward filing the § 2254 petition. Finally, Gloster did not make a showing of actual innocence.

Accordingly, Gloster's COA motion is DENIED, and his motion for leave to proceed on appeal IFP is DENIED AS MOOT.

/s/ Kevin C. Newsom
UNITED STATES CIRCUIT JUDGE

Second, Gloster is not entitled to equitable tolling. He did not demonstrate that he was diligently pursuing his rights in an attempt to timely file his § 2254 petition. Importantly, it was Gloster's burden to prove that he took reasonable efforts to timely file his petition. However, there is no evidence that he took specific actions toward filing the § 2254 petition. Finally, Gloster did not make a showing of actual innocence.

Accordingly, Gloster's COA motion is DENIED, and his motion for leave to proceed on appeal IFP is DENIED AS MOOT.

/s/ Kevin C. Newsom
UNITED STATES CIRCUIT JUDGE

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 22-12252-J

SANFORD BENJAMIN GLOSTER,

Petitioner-Appellant,

versus

SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS,
ATTORNEY GENERAL, STATE OF FLORIDA,

Respondents-Appellees.

Appeal from the United States District Court
for the Middle District of Florida

Before: JORDAN and NEWSOM, Circuit Judges.

BY THE COURT:

Sanford Gloster, a Florida prisoner, has filed a motion for reconsideration of this Court's order dated January 9, 2023, denying a certificate of appealability and *in forma pauperis* status in his appeal from the district court's denial of his 28 U.S.C. § 2254 petition. Because he has not alleged any points of law or fact that this Court overlooked or misapprehended in denying his prior motions, his motion for reconsideration is **DENIED**. His motion for leave to file an untimely certificate of appealability is also **DENIED**.

APPENDIX B

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

SANFORD BENJAMIN GLOSTER,

Petitioner,

v.

Case No: 8:19-cv-2394-WFJ-SPF

**SECRETARY, FLORIDA
DEPARTMENT OF
CORRECTIONS and ATTORNEY
GENERAL, STATE OF FLORIDA,**

Respondents.

JUDGMENT IN A CIVIL CASE

Decision by Court. This action came before the Court and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that Judgment is entered against Mr. Gloster.

**ELIZABETH M. WARREN,
CLERK**

s/L. Richards, Deputy Clerk

1. **Appealable Orders:** Courts of Appeals have jurisdiction conferred and strictly limited by statute:
 - (a) **Appeals from final orders pursuant to 28 U.S.C. Section 1291:** Only final orders and judgments of district courts, or final orders of bankruptcy courts which have been appealed to and fully resolved by a district court under 28 U.S.C. Section 158, generally are appealable. A final decision is one that "ends the litigation on the merits and leaves nothing for the court to do but execute the judgment." Pitney Bowes, Inc. v. Mestres, 701 F.2d 1365, 1368 (11th Cir. 1983). A magistrate judge's report and recommendation is not final and appealable until judgment thereon is entered by a district court judge. 28 U.S.C. Section 636(c).
 - (b) **In cases involving multiple parties or multiple claims,** a judgment as to fewer than all parties or all claims is not a final, appealable decision unless the district court has certified the judgment for immediate review under Fed.R.Civ.P. 54(b), Williams v. Bishop, 732 F.2d 885, 885-86 (11th Cir. 1984). A judgment which resolves all issues except matters, such as attorneys' fees and costs, that are collateral to the merits, is immediately appealable. Budinich v. Becton Dickinson & Co., 486 U.S. 196, 201, 108 S. Ct. 1717, 1721-22, 100 L.Ed.2d 178 (1988); LaChance v. Duffy's Draft House, Inc., 146 F.3d 832, 837 (11th Cir. 1998).
 - (c) **Appeals pursuant to 28 U.S.C. Section 1292(a):** Appeals are permitted from orders "granting, continuing, modifying, refusing or dissolving injunctions or refusing to dissolve or modify injunctions..." and from "[i]nterlocutory decrees...determining the rights and liabilities of parties to admiralty cases in which appeals from final decrees are allowed." Interlocutory appeals from orders denying temporary restraining orders are not permitted.
 - (d) **Appeals pursuant to 28 U.S.C. Section 1292(b) and Fed.R.App.P.5:** The certification specified in 28 U.S.C. Section 1292(b) must be obtained before a petition for permission to appeal is filed in the Court of Appeals. The district court's denial of a motion for certification is not itself appealable.
 - (e) **Appeals pursuant to judicially created exceptions to the finality rule:** Limited exceptions are discussed in cases including, but not limited to: Cohen v. Beneficial Indus. Loan Corp., 337 U.S. 541, 546, 69 S.Ct. 1221, 1225-26, 93 L.Ed. 1528 (1949); Atlantic Fed. Sav. & Loan Ass'n v. Blythe Eastman Paine Webber, Inc., 890 F.2d 371, 376 (11th Cir. 1989); Gillespie v. United States Steel Corp., 379 U.S. 148, 157, 85 S. Ct. 308, 312, 13 L.Ed.2d 199 (1964).
2. **Time for Filing:** The timely filing of a notice of appeal is mandatory and jurisdictional. Rinaldo v. Corbett, 256 F.3d 1276, 1278 (11th Cir. 2001). In civil cases, Fed.R.App.P.4(a) and (c) set the following time limits:
 - (a) **Fed.R.App.P. 4(a)(1):** A notice of appeal in compliance with the requirements set forth in Fed.R.App.P. 3 must be filed in the district court within 30 days after the entry of the order or judgment appealed from. However, if the United States or an officer or agency thereof is a party, the notice of appeal must be filed in the district court within 60 days after such entry. **THE NOTICE MUST BE RECEIVED AND FILED IN THE DISTRICT COURT NO LATER THAN THE LAST DAY OF THE APPEAL PERIOD - no additional days are provided for mailing.** Special filing provisions for inmates are discussed below.
 - (b) **Fed.R.App.P. 4(a)(3):** "If one party timely files a notice of appeal, any other party may file a notice of appeal within 14 days after the date when the first notice was filed, or within the time otherwise prescribed by this Rule 4(a), whichever period ends later."
 - (c) **Fed.R.App.P.4(a)(4):** If any party makes a timely motion in the district court under the Federal Rules of Civil Procedure of a type specified in this rule, the time for appeal for all parties runs from the date of entry of the order disposing of the last such timely filed motion.
 - (d) **Fed.R.App.P.4(a)(5) and 4(a)(6):** Under certain limited circumstances, the district court may extend the time to file a notice of appeal. Under Rule 4(a)(5), the time may be extended if a motion for an extension is filed within 30 days after expiration of the time otherwise provided to file a notice of appeal, upon a showing of excusable neglect or good cause. Under Rule 4(a)(6), the time may be extended if the district court finds upon motion that a party did not timely receive notice of the entry of the judgment or order, and that no party would be prejudiced by an extension.
 - (e) **Fed.R.App.P.4(c):** If an inmate confined to an institution files a notice of appeal in either a civil case or a criminal case, the notice of appeal is timely if it is deposited in the institution's internal mail system on or before the last day for filing. Timely filing may be shown by a declaration in compliance with 28 U.S.C. Section 1746 or a notarized statement, either of which must set forth the date of deposit and state that first-class postage has been prepaid.
3. **Format of the notice of appeal:** Form 1, Appendix of Forms to the Federal Rules of Appellate Procedure, is a suitable format. See also Fed.R.App.P. 3(c). A pro se notice of appeal must be signed by the appellant.
4. **Effect of a notice of appeal:** A district court loses jurisdiction (authority) to act after the filing of a timely notice of appeal, except for actions in aid of appellate jurisdiction or to rule on a timely motion of the type specified in Fed.R.App.P. 4(a)(4).

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

SANFORD BENJAMIN GLOSTER,

Petitioner,

v.

Case No. 8:19-cv-2394-WFJ-SPF

SECRETARY, DEPARTMENT
OF CORRECTIONS,

Respondent.

ORDER

Petitioner Sanford Benjamin Gloster, a Florida prisoner, filed a *pro se* petition for writ of habeas corpus under 28 U.S.C. § 2254. (Doc. 1.) Respondent opposes the petition as time-barred. (Doc. 7.) Having considered the petition, response, amended reply (Doc. 13), and supplement to the amended reply (Doc. 15), the Court dismisses the petition as time-barred.

Procedural Background

A state court jury convicted Mr. Gloster of first-degree premeditated murder. (Doc. 8-2, Ex. 1a, p. 82.) The state trial court sentenced him to life in prison. (*Id.*, pp. 86-91.) The state appellate court *per curiam* affirmed Mr. Gloster's conviction and sentence. (Doc. 8-3, Ex. 4.)

Mr. Gloster moved for postconviction relief under Florida Rule of Criminal Procedure 3.850. (Doc. 8-3, Exs. 9-11.) After the state postconviction court dismissed

his motion with leave to amend, Mr. Gloster filed an amended motion. (Doc. 8-3, Ex. 12; Doc. 8-4, Ex. 13, pp. 37-86.) The state postconviction court denied relief, and the state appellate court *per curiam* affirmed. (Doc. 8-5, Ex. 13c, pp. 636-77; Doc. 8-7, Ex. 16.)

Mr. Gloster filed a second postconviction motion under Rule 3.850, which the state postconviction court dismissed without prejudice to amendment. (Doc. 8-8, Ex. 18, pp. 1-41, 44-48.) Mr. Gloster filed an amended motion. (Doc. 8-9, Ex. 18, pp. 158-77.) The state postconviction court denied the motion. (Doc. 8-11, Ex. 18, pp. 204-08.) The state appellate court *per curiam* affirmed the denial of relief. (Doc. 8-16, Ex. 21.) Mr. Gloster filed a third Rule 3.850 postconviction motion. (Doc. 8-17, Ex. 27, pp. 1-30.) The state postconviction court denied it as untimely and successive. (*Id.*, pp. 56-61.) The state appellate court *per curiam* affirmed the denial. (Doc. 8-19, Ex. 30.)

Untimeliness Of Mr. Gloster's Federal Habeas Petition

The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") governs this proceeding. *See Carroll v. Sec'y, DOC*, 574 F.3d 1354, 1364 (11th Cir. 2009). The AEDPA establishes a one-year statute of limitations for filing a § 2254 habeas petition. The limitations period typically runs from "the date on which the judgment became final by the conclusion of direct review or the expiration of the time for seeking such review." 28 U.S.C. § 2244(d)(1)(A). It is tolled while "a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim" is pending. 28 U.S.C. § 2244(d)(2).

Mr. Gloster's conviction and sentence were affirmed on November 30, 2012. (Doc. 8-3, Ex. 4.) His judgment became final on February 28, 2013, when the 90-day period to petition the Supreme Court of the United States for a writ of certiorari expired. *See Bond v. Moore*, 309 F.3d 770, 774 (11th Cir. 2002). Mr. Gloster's AEDPA limitations period began running the next day, March 1, 2013.¹

After 236 days of untolled time passed, on October 23, 2013, Mr. Gloster filed his first motion for postconviction relief under Florida Rule of Criminal Procedure 3.850. (Doc. 8-3, Ex. 10.) Mr. Gloster's first Rule 3.850 motion was a "properly filed" tolling application for purposes of § 2244(d)(2). The motion remained pending until the state appellate court's mandate issued on January 28, 2016. (Doc. 8-7, Ex. 17.)

Mr. Gloster's second Rule 3.850 motion had no tolling effect because it was untimely and, therefore, not "properly filed." The Supreme Court has explained that a state court application for collateral review is properly filed "when its delivery and acceptance are in compliance with the applicable laws and rules governing filings" including "the time limits upon its delivery[.]" *Artuz v. Bennett*, 531 U.S. 4, 8 (2000). The Supreme Court has "expressly held that a state court motion for post-conviction relief cannot be considered 'properly filed' for tolling under Section 2244(d)(2) if the motion was untimely under state law." *Jones v. Sec'y, Fla. Dep't of Corr.*, 906 F.3d 1339, 1342 (11th Cir. 2018) (citing *Pace v. DiGuglielmo*, 544 U.S. 408 (2005)).

¹ Mr. Gloster concedes that § 2244(d)(1)(A) controls. (Doc. 13, p. 2.) He does not assert entitlement to a later start date of the limitations period under another provision of § 2244(d)(1), and agrees that his judgment became final on February 28, 2013. (Doc. 13, p. 3; Doc. 15, p. 5.)

Under Rule 3.850(b), a petitioner must move for postconviction relief in state court within two years of the date his state court judgment becomes final. An exception to the two-year time limit applies when the motion “alleges that . . . the facts on which the claim is predicated were unknown to the movant or the movant’s attorney and could not have been ascertained by the exercise of due diligence, and the claim is made within 2 years of the time the new facts were or could have been discovered with the exercise of due diligence[.]” Fla. R. Crim. P. 3.850(b)(1).

Mr. Gloster’s second Rule 3.850 motion asserted that this exception applied. (Doc. 8-9, Ex. 18, pp. 158-77.) The state court considered and rejected Mr. Gloster’s argument. The state court noted that the two-year time limit under Rule 3.850 expired in January 2015, before the motion was filed, but that a court could consider an untimely motion if an exception under Rule 3.850(b) applied. (Doc. 8-11, Ex. 18, p. 206.) It ruled that Mr. Gloster was “unable to demonstrate that his motion was filed within two years of the date the evidence could have been discovered with due diligence.” (*Id.*, p. 207.) Accordingly, the state postconviction court found that Mr. Gloster’s “allegations do not meet the requirements of Rule 3.850(b)(1).” (*Id.*)

Even though the state postconviction court’s order did not expressly deny the motion on timeliness grounds, the court clearly determined that the motion was untimely. The court noted that the Rule 3.850 time limitation had already passed in Mr. Gloster’s case, and found that Mr. Gloster’s allegations were insufficient to warrant application of the newly discovered evidence exception to the time limitation. (*Id.*, pp. 206-07.) The Eleventh Circuit Court of Appeals addressed a similar situation

in *Jones*, 906 F.3d 1339. The petitioner in *Jones* also filed a state postconviction motion claiming application of the exception in Rule 3.850(b)(1). While the state postconviction court in Jones's case did not expressly find the motion untimely, it rejected Jones's newly discovered evidence claim and stated that Jones's allegations "d[id] not meet the parameters of newly discovered evidence." *Id.* at 1345. The Eleventh Circuit held that the only "reasonable and logical way to read" the state court's order was to conclude that the state court found Jones's motion untimely, and that a state court is not required to use "[m]agic words" or make a "clear and unambiguous ruling" when deciding the timeliness of a postconviction motion. *Id.* at 1346, 1349.

Therefore, *Jones* stated, "the state court ruled that the Rule 3.850 Motion was untimely, and [a federal court is] required to defer to that ruling. That necessarily means that the motion wasn't 'properly filed,' and thus it didn't toll AEDPA's one-year statute of limitations." *Id.* at 1350 (citations omitted). "[A] state post-conviction motion is not, and cannot ever be, 'properly filed' if it was rejected by the state court as untimely." *Id.* at 1352 (citing *Pace*, 544 U.S. 408). Therefore, since Mr. Gloster's second postconviction motion was rejected as untimely by the state court, it was not properly filed and had no tolling effect on the AEDPA limitations period.

The limitations period resumed running on January 29, 2016, the day after issuance of the mandate affirming the denial of Mr. Gloster's first Rule 3.850 motion. Mr. Gloster had 129 days, until June 6, 2016, to file his federal habeas petition. The

June 6, 2016 deadline passed without Mr. Gloster's filing any other tolling applications in state court or his federal habeas petition.

Mr. Gloster filed a third Rule 3.850 postconviction motion on April 2, 2018, after expiration of the AEDPA limitations period. (Doc. 8-17, Ex. 27, pp. 1-30.) Mr. Gloster's third Rule 3.850 motion has no effect on the timeliness analysis. The AEDPA limitations period cannot be revived once it has expired. *See Tinker v. Moore*, 255 F.3d 1331, 1333 (11th Cir. 2001) (stating that a state court petition for collateral review "that is filed following the expiration of the federal limitations period 'cannot toll that period because there is no period remaining to be tolled'" (quoting *Webster v. Moore*, 199 F.3d 1256, 1259 (11th Cir. 2000))). Furthermore, Mr. Gloster's third Rule 3.850 motion was not "properly filed" because the state court rejected it as untimely. (Doc. 8-17, Ex. 27, pp. 56-61.) Mr. Gloster's § 2254 petition, filed September 24, 2019, is thus untimely under § 2244(d)(1)(A).

Equitable Tolling

Mr. Gloster asserts entitlement to equitable tolling. Section 2244(d) "is subject to equitable tolling in appropriate cases." *Holland v. Florida*, 560 U.S. 631, 645 (2010). A petitioner is entitled to equitable tolling "only if he shows '(1) that he has been pursuing his rights diligently, and (2) that some extraordinary circumstance stood in his way' and prevented timely filing" of his § 2254 petition. *Id.* at 649 (quoting *Pace*, 544 U.S. at 418). "The burden of proving circumstances that justify the application of the equitable tolling doctrine rests squarely on the petitioner." *San Martin v. McNeil*, 633 F.3d 1257, 1268 (11th Cir. 2011). A petitioner must "show a causal connection

between the alleged extraordinary circumstances and the late filing of the petition.” *Id.* at 1267.

Because this is a “difficult burden” to meet, the Eleventh Circuit “has rejected most claims for equitable tolling.” *Diaz v. Sec’y, Dep’t of Corr.*, 362 F.3d 698, 701 (11th Cir. 2004); *see also Johnson v. United States*, 340 F.3d 1219, 1226 (11th Cir. 2003) (“[E]quitable tolling applies only in truly extraordinary circumstances.”); *Steed v. Head*, 219 F.3d 1298, 1300 (11th Cir. 2000) (“Equitable tolling is an extraordinary remedy which is typically applied sparingly.”). The applicability of equitable tolling depends on a case’s facts and circumstances. *See Holland*, 560 U.S. at 649-50 (stating that equitable tolling decisions are made on a case-by-case basis); *Knight v. Schofield*, 292 F.3d 709, 711 (11th Cir. 2002) (stating that for purposes of equitable tolling, “[e]ach case turns on its own facts”).

In support of his equitable tolling argument, Mr. Gloster contends that he exercised due diligence in pursuing state court remedies. But he does not assert diligence in pursuing the timely filing of his § 2254 petition. Moreover, to obtain equitable tolling, Mr. Gloster must establish both diligence and extraordinary circumstances that prevented timely filing. *Holland*, 560 U.S. at 649. Mr. Gloster appears to claim that factors such as his work schedule in the prison food service department, administrative lockdowns, law library closings, and a transfer between prisons are such extraordinary circumstances.

However, prison lockdowns and transfers, and the resulting separation of a prisoner from his legal papers, are not extraordinary circumstances for purposes of

equitable tolling. *See Dodd v. United States*, 365 F.3d 1273, 1282-83 (11th Cir. 2004) (stating that precedent “suggests that lockdowns and periods in which a prisoner is separated from his legal papers are not ‘extraordinary circumstances’ in which equitable tolling is appropriate” and rejecting the petitioner’s claim that separation from his legal papers upon transfer to another prison was an extraordinary circumstance) (citing *Akins v. United States*, 204 F.3d 1086, 1089-90 (11th Cir. 2000)). Similarly, limited law library access is not an extraordinary circumstance. *See Helton v. Sec’y, Dep’t of Corr.*, 259 F.3d 1310, 1313-14 (11th Cir. 2001) (stating that claims about an allegedly deficient prison law library were insufficient to establish an “extraordinary circumstance” warranting equitable tolling); *Miller v. Florida*, 307 F. App’x 366, 367-68 (11th Cir. 2009) (concluding that limited access to a law library was not an extraordinary circumstance).

Furthermore, Mr. Gloster does not provide specific information about his prison job schedule. He does not show that this schedule amounts to an extraordinary circumstance warranting equitable tolling. *See, e.g., Manning v. Henry*, 2 F. App’x 898, 900 (9th Cir. 2001) (rejecting a petitioner’s argument that an extraordinary circumstance existed when “his job in the prison kept him from spending as much time in the law library as he would have been able to spend if he had not had the job”). The Court concludes that Mr. Gloster has not shown that equitable tolling applies to allow review of his untimely § 2254 petition.²

² Mr. Gloster does not contend that the Court can review his untimely petition on the basis that he is actually innocent. *See McQuiggin v. Perkins*, 569 U.S. 383 (2013).

Accordingly, the Court **ORDERS** that Mr. Gloster's petition (Doc. 1) is **DISMISSED AS TIME-BARRED**. The **CLERK** is directed to enter judgment against Mr. Gloster and to **CLOSE** this case.

The Court further **ORDERS** that Mr. Gloster is not entitled to a certificate of appealability ("COA"). A prisoner has no absolute right to appeal a district court's dismissal of his § 2254 petition. 28 U.S.C. § 2253(c)(1). A court must first issue a COA. *Id.* A COA may issue "only if the applicant has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). To merit a COA, Mr. Gloster must show that reasonable jurists would find debatable both (1) the merits of the underlying claims and (2) the procedural issues he seeks to raise. *Id.*; *Slack v. McDaniel*, 529 U.S. 473, 478 (2000). Because the motion is clearly time-barred, Mr. Gloster cannot meet the second prong of the *Slack* test. As Mr. Gloster is not entitled to a COA, he is not entitled to appeal *in forma pauperis*.

DONE AND ORDERED in Tampa, Florida, on June 3, 2022.



WILLIAM F. JUNG
UNITED STATES DISTRICT JUDGE

APPENDIX C

UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

SANFORD BENJAMIN GLOSTER

Petitioner/Appellant

v.

Court of Appeals No.: 22-12252-J
District Case No.: 8:19-cv-02394-WFJ-SPF

SEC'T, DEPT. OF CORRECTIONS,
Respondents/Appellees.

_____ /

MOTION TO REINSTATE

COMES NOW, the Appellant, Sanford Benjamin Gloster, pro se, litigant files this Motion to Reinstate, under the jurisdiction of this Honorable Court, in good faith, per the authority of Federal Rules of Appellate Procedure, in support of Eleventh (11th) Circuit Rule 26.1-1(a), 26.1-1(a)1.

JURISDICTIONAL AUTHORITY

Appellant in this case respectfully submits to this Honorable Court – Motion to Reinstate – by the Federal Rules of Appellate Procedure, that Appellant intends to be guided by, in the Federal Civil and Judicial Procedures, Rules; Federal Rules of Appellate Procedure 4(a), R. 11(a),(b), R. 22(b), Eleventh (11th) Cir. Rules, Rule 26.1-1(a), 26.1-1(a)1 2),A), B) (iii), 27.1(c) and (d).

LEGAL AUTHORITY

Barefoot v. Estelle, 463 U.S. 880, 893 (1989);

Gonzalez v. Thaler, 565 U.S. 134, 142 and n.3 (2012);

Miller-El v. Cokerell, 537 U.S. 322, 327 (2003);

Rolan v. Coleman, 630 F. 3d 311, 318-19 (3rd Cir. 2012);

Slack v. McDaniel, 529 U.S. 473, 481-82 (2000) *supra* § 34(a)AR18-29

Swearingen v. U.S., 556 F. 3d 344, 348 (5th Cir. 2009)

U.S. COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

CERTIFICATE OF INTERESTED PERSONS
AND CORPORATE DISCLOSURE STATEMENT

Sanford Benjamin Gloster vs. Florida Dept. of Corrections Appeal No. 8:19-cv-02394-WFJ-SPF

11th Cir. R. 26.1 (enclosed) requires the appellant or petitioner to file a Certificate of Interested Persons and Corporate Disclosure Statement (CIP) with this court within 14 days after the date the case or appeal is docketed in this court, and to include a CIP within every motion, petition, brief, answer, response and reply filed. Also, all appellees, intervenors, respondents, and all other parties to the case or appeal must file a CIP within 28 days after the date the case or appeal is docketed in this court. **You may use this form to fulfill these requirements.** In alphabetical order, with one name per line, please list the trial judge(s), attorneys, persons, associations of persons, firms, partnerships, or corporations that have an interest in the outcome of this case or appeal, including subsidiaries, conglomerates, affiliates, parent corporations, any publicly held corporation that owns 10% or more of the party's stock, and other identifiable legal entities related to a party.

(pleas type or print legibly):

1. Hon. Battles, Emmett L., Thirteenth Judicial District (Judge), N. Pierce St., Tampa, Fl.
2. Hon. Butash, Michael G., Home office in Lutz Florida, Attorney at law
3. Hon. Holder, Gregory P., Thirteenth Judicial Circuit for Hillsborough County
4. Hon. Jung, William F., United States District Judge, Middle Dist. of Fla., Tampa, Fl 33602
5. Hon. Kiser, Mark D., Judge Thirteenth Judicial Dist. (Judge), N. Pierce St., Tampa, Fl.
6. Hon. Marshall, Denna K., Law Office, 1258 Riverview, Fla. 33568
7. Hon. Moorman, J. Marion, 225 Broadway Ave., P.O. Box 9000, Bartow, Fla. 33831
8. Atty. Owens, Timothy S., Law Firm P.A., 3701 Azeele St., Tampa, Fla. 33609-2807
9. Atty. Pennington, Kyle, State Prosecutor, 13th Jud. Cir., Hillsborough Judicial Dist., Tampa Fl.
10. Hon. Sisco, Michelle, 13th Judicial Dist. (Judge) No. Pierce St., Tampa, Florida
11. Atty. Smith, David, J., Clerk of Court, U.S. Court of Appeals, Atlanta, Ga. 30303

STATEMENT OF FACTS

What generates this Motion to Reinstate comes from Sanford Benjamin Gloster, Appellant in this case who was deficient in submitting a “Stand-Alone” Certificate of Interested Persons/Corporate Disclosure Statement.

Appellant as a result submits this Motion as privileged by Clerk of the Federal Court of Appeals, Eleventh Circuit.

Appellant’s 28 U.S.C. § 2254 Federal Petition of Habeas Corpus was denied/dismissed by Federal District Court of the Middle District of Florida, from determined to be considered untimely. Appellant rebutted that accusation by demonstrating using case summary/timeline, Appellant was legitimate in proceeding to file for application and submit a Petition of Federal Habeas Corpus review. The Petition was denied/dismissed by the District Court of the Middle District.

That denial/dismissal of Appellant’s Petition Federal Habeas Corpus generated Appellant to apply for “Notice o Appeal” to be considered for Certificate of Appealability.

This package was granted and from a graven oversight on the part of Appellant, was deficient in submitting his ‘Stand Alone,” C.I.P./G.D.S. Hence, Appellant submits this “Motion to Reinstate.”

GROUND ONE

THE PRIVILEGE TO REINSTATE APPELLANT'S CERTIFICATE OF APPEALABILITY UNDER FEDERAL RULES OF APPELLATE PROCEDURE ELEVENTH CIRCUIT RULE, R.26.1-1(a)1, MOTION TO REINSTATE APPELLANT.

From the unintentional oversight on the part of the Appellant in filing the "Stand-Alone" Certificate of Interested Persons/Corporate Disclosure Statement (C.I.P./C.D.S.).

For which, there is no excuse.

In a frenzied approach to completing the Application for COA, the oversight from not recognizing all documentation in the package, occurred. The six (6) month financial statement – Appellant has made request twice, to this institution's Trust Fund Administrator – still has not been received. See *Miller-El v. Cockrell*, 537 U.S. 322, 327 (2003) "Congress mandates that a prisoner seeking post conviction relief under 28 U.S.C. § 2254 has no automatic right to appeal a District Court's denial or dismissal of the petition. Instead, a Petitioner must first seek and obtain a Certificate of Appealability (COA).

RELIEF SOUGHT

Is for the Appellant to be reinstated per the requirements of the Eleventh (11th) Circuit Rule(s) 26.1-1(a)1, 27.

This appeal governed by 28 U.S.C. § 2253 and Federal Rules of Appeals and Procedure under R. 22(a,b), requests issuance of a COA and from the denial/dismissal of a COA from the District Judge. See *Barefoot v. Estelle*, 463 U.S. 880, 893 (1983).

Under Eleventh (11th) Cir. R. 22(a), a timely Notice of Appeal – hand written was filed/mailed on or about June 20th, 2022. See *Rolan v. Coleman*, 680 F. 3d 311, 318-19 (3rd Cir. 2012), “No procedural default, because petition provided notice of misstatement of evidence claim by identifying specific facts included.”

COUNT TWO

AT THE TIME OF APPELLANT’S EVIDENTIARY HEARING *GIGLIO/BRADY* VIOLATIONS COMMITTED BY THE STATE PROSECUTOR HAD BEEN UNEARTHED, WHICH BROUGHT FRAUD ON THE COURT AND PROSECUTORIAL MISCONDUCT. “EXHAUSTION DOCTRINE.”

That new discovery made on the undisclosed evidence was revealed. Through further research beyond *Cronic* and *Giglio/Brady*, fraud on the Court and the result of prosecutorial misconduct was unearthed.

That with the numerous vectors – taken by the State – of misleading the jury, became a must for the reviewing Court to witness, these due process violations against the Appellant.

These constitutional rights violations were blatant and deserved to be exposed and brought to light. See *In re. Swearingen*, 556 F. 3d 344, 348 (5th Cir.

2009) “New *Giglio* claim of State sponsoring false or misleading witness testimony justified, because State’s interaction with witness could not have been known before witness’ affidavit.”

Taking all State remedies to exhaustion was of great importance in Appellant’s attempt to uphold true justice and having a continued belief in our system of justice.

RELIEF SOUGHT

Is for Appellant to be found “not guilty” on the charge of Premeditate First Degree Murder, based on the facts presented and demonstrated in Appellant’s Post Conviction Motions for Relief under Fla. R. C. P., Rules 3.850, 3.853 (DNA Testing), 3.850 b (1), 3.850 b (1, 2), h (1, 2) with Memorandum of Law attached to each, and new trial based on non-disclosed evidence in Post Conviction Motion Fla. R. Crim. P. 3.850b(1). See *Slack v. McDaniel*, 529 U.S. 473, *supra* § 3.4(a) (2000) and *Holland v. Jackson*, 542 U.S. 649, 653 (2004).

WHEREFORE, the deficiency in failing to comply with Court’s rules – Certificate of Interested Persons/Corporate Disclosure Statement – to be submitted as a “Stand-Alone” document and to accomplish all motions and filings henceforth to this Honorable Court of Appeals, was a direct oversight on the part of Appellant. See *Gonzalez v. Thaler*, 565 U.S. 134 (2012) at Opinion II, A nn.5-10,B.

THEREFORE, thank you Clerk of Court, for bringing this necessary and vital step governed by the Eleventh (11th) Cir. R. 26.1-1(a), 26.1-1(a)1 to Appellant's attention. This oversight was unintentional.

There is no excuse. From the onset of the frenzy in beginning the paper chase of the COA, Appellant overlooked what was taken as a minor detail and forgot the "Stand-Alone" CIP/CDS.

CONCLUSION

Let it be known appellant acknowledges the Federal Court of Appeals, Eleventh (11th) Circuit's permission to allow an opportunity to file "Motion to Reinstate" as a privilege, not a right, granted to the Appellant, by this Honorable Court of Appeals.

PRAYER

To this Honorable Court of Appeals, Eleventh (11th) Circuit, Appellant prays that relief be granted for reinstatement for in having all matters related in the instant case filing be reviewed and given him the justice to be reversed and remanded. God bless this Court of Appeals.

FEDERAL OATH 28 § 1746

I declare under penalty of perjury that the foregoing is true and correct. Executed on this ____ day of August, 2022 by the undersigned.


Sanford Benjamin Gloster # D07542

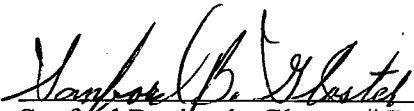
CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY, that this Motion contains with the type volume limitations of Rule 22(a)(7)(B) of the Appellate Procedure because the number of words in this brief add up to: 1609.


Sanford Benjamin Gloster # D07542

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that I placed a true and correct copy of this document in the hands of Florida Department of Corrections Officials for mailing to: United States Court of Appeals, Eleventh Circuit, 56 Forsyth Street, N.W., Atlanta, Georgia 30303; on this ____ day of August, 2022.


Sanford Benjamin Gloster # D07542
Everglades Correctional Inst.
1599 S.W. 187 Ave.
Miami, Florida 33194

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 22-12252-J

SANFORD BENJAMIN GLOSTER,

Petitioner-Appellant,

versus

SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS,
ATTORNEY GENERAL, STATE OF FLORIDA,

Respondents-Appellees.

Appeal from the United States District Court
for the Middle District of Florida

ORDER:

Sanford Gloster is a Florida prisoner serving life imprisonment for first-degree premeditated murder. He moves for a certificate of appealability ("COA") to appeal the dismissal of his 28 U.S.C. § 2254 petition as time-barred, and for leave to proceed on appeal *in forma pauperis* ("IFP").

To obtain a COA, a petitioner must make "a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(2). Where the district court has denied a § 2254 petition, at least in part, on procedural grounds, the petitioner must show that jurists of reason would find it debatable whether (1) the district court was correct in its procedural ruling, and (2) the petition states a valid claim of the denial of a constitutional right. *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

Under the Antiterrorism and Effective Death Penalty Act of 1996 (“AEDPA”), § 2254 petitions are governed by a one-year statute of limitations that begins to run on the latest of four triggering events, including when the judgment becomes final. 28 U.S.C. § 2244(d)(1)(A). However, the AEDPA’s statute of limitations is not jurisdictional, and a district court may review an untimely § 2254 petition if it determines that the petitioner is entitled to equitable tolling. *San Martin v. McNeil*, 633 F.3d 1257, 1267 (11th Cir. 2011). To be entitled to equitable tolling, a petitioner must show both “(1) that he has been pursuing his rights diligently, and (2) that some extraordinary circumstance stood in his way and prevented timely filing.” *Holland v. Florida*, 560 U.S. 631, 649 (2010).

Here, reasonable jurists would not debate the district court’s determination that Gloster’s § 2254 petition was time-barred and that he was not entitled to equitable tolling. *See Slack*, 529 U.S. at 484. First, Gloster’s § 2254 petition was untimely. His conviction and sentence became final on February 28, 2013, which was 90 days after the Florida Second District Court of Appeal affirmed his conviction and sentence on November 30, 2012. Thus, absent any statutory or equitable tolling, he had one year from that date to file a § 2254 petition.

When Gloster filed his first Rule 3.850 motion on October 23, 2013, 236 days of the limitation period had run. The limitation period began to run again on January 29, 2016, the day after the issuance of the mandate affirming the denial of Gloster’s first Rule 3.850 motion. The limitation period ran for an additional 129 days and expired on June 6, 2016. The district court properly found that neither Gloster’s second or third Rule 3.850 motions, filed on January 11, 2016, and April 2, 2018, respectively, tolled the statute of limitations, as both were untimely, and thus, were not properly filed. Accordingly, Gloster’s § 2254 petition, filed on September 24, 2019, was untimely.

Second, Gloster is not entitled to equitable tolling. He did not demonstrate that he was diligently pursuing his rights in an attempt to timely file his § 2254 petition. Importantly, it was Gloster's burden to prove that he took reasonable efforts to timely file his petition. However, there is no evidence that he took specific actions toward filing the § 2254 petition. Finally, Gloster did not make a showing of actual innocence.

Accordingly, Gloster's COA motion is DENIED, and his motion for leave to proceed on appeal IFP is DENIED AS MOOT.

/s/ Kevin C. Newsom
UNITED STATES CIRCUIT JUDGE

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

David J. Smith
Clerk of Court

For rules and forms visit
www.ca11.uscourts.gov

January 09, 2023

Sanford Benjamin Gloster
Everglades CI - Inmate Legal Mail
1599 SW 187TH AVE
MIAMI, FL 33194

Appeal Number: 22-12252-J
Case Style: Sanford Gloster v. Secretary, Florida Department of Corrections, et al
District Court Docket No: 8:19-cv-02394-WFJ-SPF

The enclosed copy of this Court's order denying the application for a Certificate of Appealability is issued as the mandate of this court. See 11th Cir. R. 41-4. Counsel and pro se parties are advised that pursuant to 11th Cir. R. 27-2, "a motion to reconsider, vacate, or modify an order must be filed within 21 days of the entry of such order. No additional time shall be allowed for mailing."

Any pending motions are now rendered moot in light of the attached order.

Clerk's Office Phone Numbers

General Information	404-335-6100
New / Before Briefing Cases	404-335-6135
Cases in Briefing / After Opinion	404-335-6130
Cases Set for Oral Argument	404-335-6141
Capital Cases	404-335-6200
Attorney Admissions	404-335-6122
CM/ECF Help Desk	404-335-6125

Enclosure(s)

DIS-4 Multi-purpose dismissal letter

APPENDIX D

APPENDIX E

**U.S. District Court
Middle District of Florida (Tampa)
CIVIL DOCKET FOR CASE #: 8:19-cv-02394-WFJ-SPF**

Gloster v. Secretary, Department of Corrections et al (Hillsborough County)
Assigned to: Judge William F. Jung
Referred to: Magistrate Judge Sean P. Flynn
Case in other court: 11th Circuit, 22-12252-J
22-12252-J
Cause: 28:2254 Petition for Writ of Habeas Corpus (State)

Date Filed: 09/26/2019
Date Terminated: 06/06/2022
Jury Demand: None
Nature of Suit: 530 Habeas Corpus (General)
Jurisdiction: Federal Question

Petitioner**Sanford Benjamin Gloster**

represented by **Sanford Benjamin Gloster**
D07542
Everglades Correctional Institution
1599 SW 187th Ave.
Miami, FL 33194
PRO SE

V.

Respondent**Secretary, Department of Corrections**

represented by **Tonja Vickers Rook**
Florida Attorney General's Office
3507 E Frontage Rd Ste 200
Tampa, FL 33607-7013
813/287-7900
Fax: 813/281-5500
Email: CrimAppTPA@myfloridalegal.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Respondent**Attorney General, State of Florida**

Date Filed	#	Docket Text
09/26/2019	<u>1</u>	PETITION for Writ of Habeas Corpus - State filed by Sanford Benjamin Gloster. (Attachments: # <u>1</u> Mailing Envelope)(CTR) (Entered: 09/27/2019)
09/26/2019	<u>2</u>	MOTION for leave to proceed in forma pauperis/affidavit of indigency by Sanford Benjamin Gloster. (CTR) Motions referred to Magistrate Judge Sean P. Flynn. (Entered: 09/27/2019)

09/27/2019	<u>3</u>	RELATED CASE ORDER AND NOTICE of designation under Local Rule 3.05 - track 1. Signed by Judge William F. Jung on 9/27/2019. (SAO) (Entered: 09/27/2019)
09/30/2019	<u>4</u>	ORDER to respond and show cause why the petition should not be granted. Respondent has 90 days to respond. Petitioner has 30 days to reply to the petition response. Petitioner's motion to proceed in forma pauperis <u>2</u> is GRANTED. Clerk is directed to serve the petition. Signed by Magistrate Judge Sean P. Flynn on 9/30/2019. (Attachments: # <u>1</u> Service Documents)(RAO) (Entered: 09/30/2019)
10/10/2019	<u>5</u>	NOTICE of Appearance by Tonja Vickers Rook on behalf of Secretary, Department of Corrections (Rook, Tonja) (Entered: 10/10/2019)
10/18/2019	<u>6</u>	NOTICE of pendency of related cases re <u>3</u> Related case order and track 1 notice per Local Rule 1.04(d) by Sanford Benjamin Gloster. Related case(s): yes (BES) (Entered: 10/21/2019)
12/17/2019	<u>7</u>	(Limited) RESPONSE to <u>1</u> Petition for writ of habeas corpus by Secretary, Department of Corrections.(Rook, Tonja) (Entered: 12/17/2019)
12/20/2019	<u>8</u>	NOTICE by Secretary, Department of Corrections re <u>7</u> Response to habeas petition (Attachments: # <u>1</u> Appendix exhibit list, # <u>2</u> Exhibit 1-1e, # <u>3</u> Exhibit 1f-12, # <u>4</u> Exhibit 13-13A, # <u>5</u> Exhibit 13b-13c, # <u>6</u> Exhibit 13d-13e, # <u>7</u> Exhibit 14-17, # <u>8</u> Exhibit 18 part 1, # <u>9</u> Exhibit 18 part 2, # <u>10</u> Exhibit 18 part 3, # <u>11</u> Exhibit 18 part 4, # <u>12</u> Exhibit 18 part 5, # <u>13</u> Exhibit 18 part 6, # <u>14</u> Exhibit 18 part 7, # <u>15</u> Exhibit 18 part 8, # <u>16</u> Exhibit 19-26, # <u>17</u> Exhibit 27 part 1 (pp 1-125), # <u>18</u> Exhibit 27 part 2 (pp 126-236), # <u>19</u> Exhibit 28-35)(Rook, Tonja) (Entered: 12/20/2019)
01/13/2020	<u>9</u>	MOTION for Extension of Time to File Response/Reply as to <u>7</u> Response to habeas petition, <u>8</u> Notice (Other) by Sanford Benjamin Gloster. (Attachments: # <u>1</u> Mailing Envelope)(TDC) Motions referred to Magistrate Judge Sean P. Flynn. (Entered: 01/14/2020)
01/14/2020	<u>10</u>	ENDORSED ORDER granting <u>9</u> Motion for Extension of Time to File Response/Reply. Petitioner's reply due by 2/14/2020. Signed by Magistrate Judge Sean P. Flynn on 1/14/2020. (Flynn, Sean) (Entered: 01/14/2020)
01/16/2020	<u>11</u>	REPLY re <u>7</u> Response to habeas petition by Sanford Benjamin Gloster. (BES) (Entered: 01/17/2020)
02/03/2020	<u>12</u>	MOTION for leave to amend the reply by Sanford Benjamin Gloster. (BES) Motions referred to Magistrate Judge Sean P. Flynn. (Entered: 02/03/2020)
02/03/2020	<u>13</u>	AMENDED REPLY re <u>7</u> Response to habeas petition by Sanford Benjamin Gloster. (BES) (Entered: 02/03/2020)
02/04/2020	<u>14</u>	ENDORSED ORDER granting <u>12</u> Motion for Leave to File amended reply at docket <u>13</u>. Signed by Judge William F. Jung on 2/4/2020. (CCB) (Entered: 02/04/2020)
02/18/2020	<u>15</u>	SUPPLEMENT re <u>13</u> Reply to response to petition by Sanford Benjamin Gloster. (Attachments: # <u>1</u> Mailing Envelope)(MCB) (Entered: 02/19/2020)
07/06/2020	<u>16</u>	NOTICE of filing response to state court order by Sanford Benjamin Gloster (Attachments: # <u>1</u> Supplement, # <u>2</u> Mailing Envelope)(MCB) Modified text on 7/9/2020 (JNB). (Entered: 07/08/2020)
02/07/2022	<u>17</u>	NOTICE of change of address by Sanford Benjamin Gloster (BES) (Entered: 02/08/2022)

06/03/2022	<u>18</u>	ORDER: Mr. Gloster's petition is DISMISSED AS TIME-BARRED. The CLERK is directed to enter judgment against Mr. Gloster and to CLOSE this case. A certificate of appealability and leave to appeal in forma pauperis are DENIED. Signed by Judge William F. Jung on 6/3/2022. (MLH) (Entered: 06/03/2022)
06/06/2022	<u>19</u>	JUDGMENT in favor of Attorney General, State of Florida, Secretary, Florida Department of Corrections against Sanford Benjamin Gloster. Signed by Deputy Clerk on 6/6/2022. (LNR) (Entered: 06/06/2022)
06/21/2022	<u>20</u>	MOTION for Extension of Time by Sanford Benjamin Gloster. (BES) Motions referred to Magistrate Judge Sean P. Flynn. (Entered: 06/21/2022)
06/22/2022	<u>21</u>	ORDER granting <u>20</u> Motion for Extension of Time to the extent that Mr. Gloster is permitted to file a notice of appeal no later than August 5, 2022. Signed by Judge William F. Jung on 6/22/2022. (MLH) (Entered: 06/22/2022)
06/30/2022	<u>22</u>	MOTION for Objection w/Rebuttal re <u>18</u> Order, by Sanford Benjamin Gloster. (BES) Motions referred to Magistrate Judge Sean P. Flynn. (Entered: 06/30/2022)
07/08/2022	<u>23</u>	NOTICE OF APPEAL as to <u>18</u> Order and <u>19</u> Judgment by Sanford Benjamin Gloster. Filing fee not paid. (BES) (Entered: 07/08/2022)
07/08/2022	<u>24</u>	TRANSMITTAL of initial appeal package to USCA consisting of copies of notice of appeal, docket sheet, order/judgment being appealed, and motion, if applicable to USCA re <u>23</u> Notice of Appeal. (BES) (Entered: 07/08/2022)
07/22/2022	<u>25</u>	MOTION for Certificate of Appealability by Sanford Benjamin Gloster. (BES) Motions referred to Magistrate Judge Sean P. Flynn. (Entered: 07/25/2022)
09/01/2022	<u>26</u>	ORDER denying <u>25</u> Motion for Certificate of Appealability; denying <u>22</u> Motion for Reconsideration re <u>18</u> Order, filed by Sanford Benjamin Gloster. Signed by Judge William F. Jung on 9/1/2022. (MLH) (Entered: 09/01/2022)
09/22/2022	<u>27</u>	NOTICE OF APPEAL as to <u>26</u> Order on Motion for Certificate of Appealability, Order on Motion for Reconsideration / Clarification by Sanford Benjamin Gloster. Filing fee not paid. (Attachments: # <u>1</u> Mailing Envelope)(SET) (Entered: 09/22/2022)
09/22/2022	<u>28</u>	TRANSMITTAL of initial appeal package to USCA consisting of copies of notice of appeal, docket sheet, order/judgment being appealed, and motion, if applicable to USCA re <u>27</u> Notice of Appeal. (SET) (Entered: 09/22/2022)
10/04/2022	<u>29</u>	MOTION to Appeal In Forma Pauperis by Sanford Benjamin Gloster. (Attachments: # <u>1</u> Mailing Envelope)(KME) (Entered: 10/05/2022)
10/26/2022	<u>30</u>	ENDORSED ORDER denying without prejudice (in the District Court) <u>29</u> Motion for Leave to Appeal In Forma Pauperis. Mr. Gloster has styled this motion and directed the motion to the Eleventh Circuit. His motion shows it was appropriately mailed to the Eleventh Circuit Clerk's office, so there is nothing the District Court must consider on this matter. Signed by Judge William F. Jung on 10/26/2022. (Jung, William) (Entered: 10/26/2022)
01/09/2023	<u>31</u>	ORDER of USCA: Accordingly, Gloster's COA motion is DENIED, and his motion for leave to proceed on appeal IFP is DENIED AS MOOT re <u>23</u> Notice of Appeal, <u>27</u> Notice of Appeal. EOD: 01/09/2023; Issued as mandate. USCA number: 22-12252-J. (AG) (Entered: 01/09/2023)
03/22/2023	<u>32</u>	REPLY re <u>7</u> Response to habeas petition by Sanford Benjamin Gloster. (Attachments: # <u>1</u> Mailing Envelope)(LNR) (Entered: 03/24/2023)

03/22/2023	<u>33</u>	MOTION for Miscellaneous Relief, specifically for Objection w/Rebuttal by Sanford Benjamin Gloster. (LNR) Motions referred to Magistrate Judge Sean P. Flynn. (Entered: 03/24/2023)
03/27/2023	34	ENDORSED ORDER denying <u>33</u> motion. The motion appears to offer some rebuttal of prior proceedings. The case is closed after the Eleventh Circuit denied a certificate of appealability. Accordingly this motion is without merit. Signed by Judge William F. Jung on 3/27/2023. (Jung, William) (Entered: 03/27/2023)
08/28/2023	<u>35</u>	MOTION for Miscellaneous Relief, specifically Request of Documents by Sanford Benjamin Gloster. (Attachments: # <u>1</u> Mailing Envelope)(AA) Motions referred to Magistrate Judge Sean P. Flynn. (Entered: 08/31/2023)
09/08/2023	<u>36</u>	ORDER granting <u>35</u> Motion for copies to the extent that the CLERK is directed to send Mr. Gloster a copy of the docket sheet, as well as copies of this Court's order located at Doc. 18 and the Eleventh Circuit's order located at Doc. 31. Signed by Judge William F. Jung on 9/8/2023. (MLH) (Entered: 09/08/2023)