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PATRICIA S. DODSZUWEIT

CLERK



UNITED STATES COURT OF APPEALS

FOR THE THIRD CIRCUIT
21400 UNITED STATES COURTHOUSE
601 MARKET STREET
PHILADELPHIA, PA 19106-1790

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July 25, 2023

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Stewart Smith
Camp Hill SCI
P.O. Box 8837
2500 Lisburn Road
Camp Hill, PA 17001

RE: Stewart Smith v. Superintendent Camp Hill SCI, et al
Case Number: 23-1564
District Court Case Number: 1-19-cv-00362

ENTRY OF JUDGMENT

Today, **July 25, 2023** the Court issued a case dispositive order in the above-captioned matter which serves as this Court's judgment. Fed. R. App. P. 36.

If you wish to seek review of the Court's decision, you may file a petition for rehearing. The procedures for filing a petition for rehearing are set forth in Fed. R. App. P. 35 and 40, 3rd Cir. LAR 35 and 40, and summarized below.

Time for Filing:

14 days after entry of judgment.

45 days after entry of judgment in a civil case if the United States is a party.

Form Limits:

3900 words if produced by a computer, with a certificate of compliance pursuant to Fed. R. App. P. 32(g).

15 pages if hand or type written.

Attachments:

A copy of the panel's opinion and judgment only.

Certificate of service.

Certificate of compliance if petition is produced by a computer.

No other attachments are permitted without first obtaining leave from the Court.

Unless the petition specifies that the petition seeks only panel rehearing, the petition will be construed as requesting both panel and en banc rehearing. Pursuant to Fed. R. App. P. 35(b)(3), if separate petitions for panel rehearing and rehearing en banc are submitted, they will be treated as a single document and will be subject to the form limits as set forth in Fed. R. App. P. 35(b)(2). If only panel rehearing is sought, the Court's rules do not provide for the subsequent filing of a petition for rehearing en banc in the event that the petition seeking only panel rehearing is denied.

Please consult the Rules of the Supreme Court of the United States regarding the timing and requirements for filing a petition for writ of certiorari.

Very truly yours,

Patricia S. Dodszuweit, Clerk

By: s/Laurie

Case Manager

267-299-4936

cc: Mr. Peter J. Welsh

CLD-178

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. 23-1564

STEWART SMITH, Appellant

VS.

SUPERINTENDENT CAMP HILL SCI, ET AL.

(M.D. Pa. Civ. No. 1-19-cv-00362)

Present: SHWARTZ, MATEY, and FREEMAN, Circuit Judges

Submitted are:

- (1) Appellant's request for a certificate of appealability; and
- (2) Appellant's combined motion and memorandum supporting application for certificate of appealability

in the above-captioned case.

Respectfully,

Clerk

ORDER

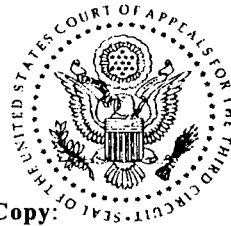
The foregoing request for a certificate of appealability is denied as Smith has not made a substantial showing of the denial of a constitutional right. See 28 U.S.C. § 2253(c). The District Court denied Smith's claims as procedurally defaulted or without merit. Jurists of reason would not debate the correctness of the District Court's decision because Smith's claims lack arguable merit. See Strickland v. Washington, 466 U.S. 668, 687-96 (1984) (describing standard for claims of ineffective assistance of counsel); Donnelly v. DeChristoforo, 416 U.S. 637, 643 (1974) (explaining that, to warrant federal habeas relief for prosecutorial misconduct, the prosecutor's actions must have "so

infected the trial with unfairness as to make the resulting conviction a denial of due process”); Lambert v. Blackwell, 387 F.3d 210, 247 (3d Cir. 2004) (claims of PCRA court error are not a basis for federal habeas relief).

By the Court,

s/ Arianna J. Freeman
Circuit Judge

Dated: July 25, 2023
Lmr/cc: Stewart Smith
All Counsel of Record



A True Copy:

Patricia S. Dodszeit

Patricia S. Dodszeit, Clerk
Certified Order Issued in Lieu of Mandate

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

| | | |
|--|---|-------------------------------------|
| STEWART SMITH, | : | CIVIL ACTION NO. 1:19-CV-362 |
| | : | |
| Petitioner | : | (Judge Conner) |
| | : | |
| v. | : | |
| | : | |
| SUPERINTENDENT LAUREL HARRY, PA STATE ATTORNEY GENERAL, | : | |
| | : | |
| Respondents | : | |

ORDER

AND NOW, this 1st day of March, 2023, upon consideration of the petition for writ of habeas corpus (Doc. 1) pursuant to 28 U.S.C. § 2254, and in accordance with the court's memorandum of the same date, it is hereby ORDERED that:

1. The petition for writ of habeas corpus (Doc. 1) is DENIED.
2. The Clerk of Court is directed to CLOSE this case.
3. Petitioner's motion (Doc. 30) for discovery is DISMISSED as moot.
4. There is no basis for the issuance of a certificate of appealability. See 28 U.S.C. § 2253(c).

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner
United States District Judge
Middle District of Pennsylvania