

DLD-215

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. **23-1813**

MANUEL SEPULVEDA, Appellant

VS.

SECRETARY PENNSYLVANIA DEPARTMENT OF CORRECTIONS; ET AL.

(M.D. Pa. Civ. No. 3-06-cv-00731)

Present: JORDAN, CHUNG, and SCIRICA, Circuit Judges

Submitted are:

- (1) Appellant's request for a certificate of appealability under 28 U.S.C. § 2253(c)(1); and
- (2) Appellant's motion for leave to file his request in excess of the word length limit

in the above-captioned case.

Respectfully,

Clerk

ORDER

The foregoing request for a certificate of appealability is denied. We may issue a certificate of appealability “only if the applicant has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). Jurists of reason would not debate the District Court’s denial of the claims raised in Sepulveda’s request for a certificate of appealability. See Strickler v. Greene, 527 U.S. 263, 281-82 (1999) (describing elements of a claim based on Brady v. Maryland, 373 U.S. 83, 87 (1963)); Strickland v. Washington, 466 U.S. 668, 687-96 (1984) (describing standard for claims of ineffective assistance of counsel); Napue v. Illinois, 360 U.S. 264, 269 (1959). The motion to exceed the word limit is granted.

By the Court,

s/Anthony J. Scirica
Circuit Judge

Dated: September 29, 2023
Tmm/cc: Stuart B. Lev, Esq.
Hayden Nelson-Major, Esq.
Mark S. Matthews, Esq.
Ronald Eisenberg, Esq.



A True Copy:

Patricia A. Dodszeit

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

OFFICE OF THE CLERK

PATRICIA S. DODSZUWEIT

CLERK



UNITED STATES COURT OF APPEALS

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September 29, 2023

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RE: Manuel Sepulveda v. Secretary Pennsylvania Department of Corrections, et al
Case Number: 23-1813
District Court Case Number: 3-06-cv-00731

ENTRY OF JUDGMENT

Today, **September 29, 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. Dodszeweit, Clerk

By: 
Timothy McIntyre, Case Manager
267-299-4953

cc: Mr. Peter J. Welsh