

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

GREGORY MAKOZY PETITIONER
(Your Name)

VS.

USA — RESPONDENT(S)

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The petitioner asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

Please check the appropriate boxes:

Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s):

THIRD CIRCUIT COURT OF APPEALS

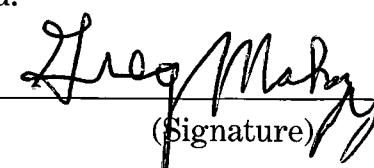
Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

Petitioner's affidavit or declaration in support of this motion is attached hereto.

Petitioner's affidavit or declaration is **not** attached because the court below appointed counsel in the current proceeding, and:

The appointment was made under the following provision of law: _____, or _____

a copy of the order of appointment is appended.


(Signature)

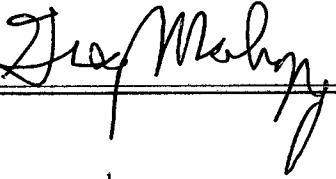
UNITED STATES COURT OF APPEALS
for the THIRD CIRCUIT

USA)
)
)
)
)
 v.) No.
 GREGORY MAKAZY)
)
)
)
)

**AFFIDAVIT ACCOMPANYING MOTION
FOR PERMISSION TO APPEAL IN FORMA PAUPERIS**

Affidavit in Support of Motion

I swear or affirm under penalty of perjury that, because of my poverty, I cannot prepay the docket fees of my appeal or post a bond for them. I believe I am entitled to redress. I swear or affirm under penalty of perjury under United States laws that my answers on this form are true and correct. (28 U.S.C. § 1746; 18 U.S.C. § 1621.)

Signed: 

Instructions

Complete all questions in this application and then sign it. Do not leave any blanks: if the answer to a question is "0," "none," or "not applicable (N/A)," write that response. If you need more space to answer a question or to explain your answer, attach a separate sheet of paper identified with your name, your case's docket number, and the question number.

Date: 5-5-23

My issues on appeal are:

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ 3K	\$ 2K	\$ 0	\$ 2.5K # 2.5K
Self-employment	\$ —	\$ —	\$ —	\$ —
Income from real property (such as rental income)	\$ —	\$ —	\$ —	\$ —
Interest and dividends	\$ —	\$ —	\$ —	\$ —
Gifts	\$ —	\$ —	\$ —	\$ —
Alimony	\$ —	\$ —	\$ —	\$ —
Child support	\$ —	\$ —	\$ —	\$ —
Retirement (such as social security, pensions, annuities, insurance)	\$ —	\$ —	\$ —	\$ —
Disability (such as social security, insurance payments)	\$ —	\$ —	\$ —	\$ —
Unemployment payments	\$ —	\$ —	\$ —	\$ —
Public-assistance (such as welfare)	\$ —	\$ —	\$ —	\$ —
Other (specify):	\$	\$	\$	\$
Total monthly income:	\$ 3K	\$ 2K	\$ 0	\$ 2.5K

2. List your employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of employment	Gross monthly pay
UPS	2001 AVE P RIVERIA BEACH, FL	9-18 -> 5/23	\$ -0-

			\$
			\$

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of employment	Gross monthly pay
WALMART	ST. LUCIE WEST	JAN 2015-PRESENT	\$ 2K
			\$
			\$

4. How much cash do you and your spouse have? \$ 3500

Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial Institution	Type of Account	Amount you have	Amount your spouse has
TRUST	CHECKING / SAVINGS	\$ 3500	\$
		\$	\$
		\$	\$

If you are a prisoner, you must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

Home	Other real estate	Motor vehicle #1
(Value) \$ 235K	(Value) \$	(Value) \$ 35K
Make and year:		22 INFINITI

		Model: 450
		Registration #:

Motor vehicle #2	Other assets	Other assets
(Value) \$ 12K	(Value) \$	(Value) \$
Make and year: 71 NISSAN		
Model: SENTRA		
Registration #:		

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
N/A	\$	\$
N/A	\$	\$
	\$	\$
	\$	\$

7. State the persons who rely on you or your spouse for support.

Name [or, if a minor (i.e., underage), initials only]	Relationship	Age
N/A		

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate.

	You	Your Spouse
Rent or home-mortgage payment (including lot rented for mobile home)	\$	\$
Are real estate taxes included? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		750
Is property insurance included? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ 200	\$
Home maintenance (repairs and upkeep)	\$	\$
Food	\$ 200	\$
Clothing	\$	\$
Laundry and dry-cleaning	\$	\$
Medical and dental expenses	\$ 10	\$
Transportation (not including motor vehicle payments)	\$ 50	\$
Recreation, entertainment, newspapers, magazines, etc.	\$	\$
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's:	\$	\$
Life:	\$	\$
Health:	\$	\$
Motor vehicle:	\$	\$
Other:	\$	\$
Taxes (not deducted from wages or included in mortgage payments) (specify):	\$	\$
Installment payments		
Motor Vehicle:	\$ 600	\$
Credit card (name):	\$	\$
Department store (name):	\$	\$
Other:	\$	\$
Alimony, maintenance, and support paid to others	\$	\$

Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$	\$
Other (specify):	\$	\$
Total monthly expenses:	\$ 1810	\$

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

WAITING FOR

Yes

No

If yes, describe on an attached sheet.

53T.

10. Have you paid or will you be paying an attorney any money for services in connection with this case, including the completion of this form? Yes No

If yes, how much? \$ _____

If yes, state the attorney's name, address, and telephone number:

11. Have you paid or will you be paying anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form? Yes No

If yes, how much? \$ _____

If yes, state the person's name, address, and telephone number:

12. Provide any other information that will help explain why you cannot pay the docket fees for your appeal.

I LOST MY JOB MAY 4. I APPLIED FOR SSI.
I AM NOT SURE OF INCOME

13. State the [city and state] of your legal residence.

PORT SAINT LUCIE, FL

Your daytime phone number: (954) 718-2947

Your age: 62 Your years of schooling: 16

No. 23-_____

SUPREME COURT OF THE UNITED STATES

Gregory Makozy,

Petitioner

vs

USA,

Respondent

On Petition for a Writ of Certiorari to
the United States Court of Appeals
for the Third Circuit

PETITION FOR A WRIT OF CERTIORARI

Gregory Makozy, Pro-se

4599 SW Hallmark St

Port Saint Lucie, FL 34953

gmakozy1@gmail.com

I. Questions Presented

When the district court imposes a sentence on the defendant and a few days later, the same district court judge changes his mind and issues an order of court dismissing ALL of the charges, can the order of court dismissing all the charges, be ignored thereby violating the defendants right to due process under the Constitution of the United States?

Can the appellate court and district court deny the certificate of appealability even though it was previously upheld thereby denying defendants right to due process under the 14th amendment?

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III. Table of Authorities

Cases:

There are absolutely no case history whereby a judge gives a sentence and within a few days, dismisses all the charges of a defendant. This court must make case history.

Hohn vs US

Statutes:

28 USC 1254

Constitutional Provisions:

United States Constitution, Amendment XIV 2

IV. Petition for Writ Of Certiorari

Gregory Makozy, Pro-se, respectfully petitions this court for a writ of certiorari to review the judgment of the Third Circuit Court of Appeals. Case number 21-3223.

V. Opinions Below

The Third Circuit Court of Appeals never addresses the order of court from the district court dismissing all the charges against the defendant within days after the same district court imposed a sentence.

Third Circuit asked defendant to file new 2255. District court denied it and then appellate court denied the certificate of appealability

VI. Jurisdiction

Gregory Makozy's petition to the Third Circuit Court of Appeals to review the order of court was ignored by the court and never ruled on. Defendant invokes this Court's jurisdiction under 28 U.S. Code § 1254 after filing this petition for writ of certiorari.

VII. Constitutional Provisions Involved

United States Constitution, Amendment XIV:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

VIII. Statement of the Case

This case involves due process under the 14th amendment of the Constitution. Due process of law. n. a fundamental principle of fairness in all legal matters, both civil and criminal, especially in the courts. All legal procedures set by statute and court practice, including notice of rights, must be followed for each individual so that no prejudicial or unequal treatment will result. Court practice includes the court orders issued by the judge.

The defendant filed for a bankruptcy in 2013 with a business he owned. One of the debts in the

BK was a bill owed to the IRS. In April 2015, the defendant negotiated a civil settlement with the DOJ for the debts owed in the BK. The defendant paid all of the debts except the IRS debt because there was no finite date when it had to be paid. The BK court did not enter any discharges of the BK. Instead of waiting for the final ruling from the BK court, in August of 2015, the DOJ arrested the defendant for BK fraud. Defendant took a plea deal in Dec 2015. In April 2016, one month before sentencing, the BK court discharged the IRS debt. Furthermore, this led to mass confusion as the sentencing transcripts reflect whereby both defendants attorney and AUSA told the judge that they are not sure if the debt was owed or not. The judge sentenced the defendant with 30 months in prison and ordered him to pay the IRS as restitution in May of 2016. Within 2 days of sentencing the defendant, the court issued an order of court dismissing all the charges against the defendant.

Direct appeal

On direct appeal, defendant appealed the ruling of the district court's order of court dismissing ALL the charges against him. The appeals court never ruled on it. There is no case history whereby the order of court was ever challenged. Furthermore the appeals court ruled for the defendant to do another 2255. Defendant had new information for the court regarding the restituion placed on him. Once it was sent to the district court, the judge denied it and once again refused to rule on his decision to dismiss all charges. This violates the defendants right to due process. The appellate court denied the certificate of appealability. This also violated the defendants rights to due process under the constitution. It must be notified that the defendant immediately sent in a notice of appeal to the Third Circuit Court of Appeals. within a timely basis. The clerk sent a letter to the Defendant to request the appeal with the Supreme Court. see attached. The defendant sent a letter to the US Supreme Court requesting info for an appeal to the court.

IX. REASONS FOR GRANTING THE WRIT

The Supreme court needs to make precedent. There is no case law or case history in which an order of court can be ignored denying the defendants rights to due process under the 14th amendment'

As far as the COA:

In Hohn vs US, the court states that if a letter of appeal is sent in a timely basis, it would justify an appeal and a certificate of appealability could be granted.

HOHN v. UNITED STATES

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

No. 96-8986. Argued March 3, 1998-Decided June 15, 1998

Petitioner Hohn filed a motion under 28 U. S. C. § 2255 to vacate his conviction for "use" of a firearm during a drug trafficking offense, 18 U. S. C. § 924(c)(1), claiming the evidence was insufficient to prove such "use" under this Court's intervening decision in *Bailey v. United States*, 516 U. S. 137. While the motion was pending, Congress enacted the Antiterrorism and Effective Death Penalty Act of 1996, § 102 of which amends the statutory provision which had required state prisoners to obtain a certificate of probable cause before appealing the denial of a habeas petition. The amended provision specifies, *inter alia*, that an appeal may not be taken to a court of appeals from the final order in a § 2255 proceeding, § 2253(c)(1)(B), unless a circuit justice or judge issues a certificate of appealability, § 2253(c)(1), upon a substantial showing of the denial of a constitutional right, § 2253(c)(2). The District Court denied Hohn's motion, and he filed a notice of appeal, which the Eighth Circuit treated as an application for a certificate of appealability. A three-judge panel declined to issue a certificate, ruling that Hohn did not satisfy § 2253(c)(2). In the panel's view, *Bailey* simply interpreted § 924(c)(1), and a district court's incorrect application of a statute does not violate the Constitution. Hohn then petitioned for review of the certificate denial under 28 U. S. C. § 1254(1), which provides in relevant part that "[c]ases in the courts of appeals may be reviewed by the Supreme Court" "[b]y writ of certiorari." The Government now says that Hohn's claim was, in fact, constitutional in nature and asks the Court to vacate the judgment and remand so the Eighth Circuit can reconsider in light of this concession. Since both parties argue that this Court has jurisdiction, an amicus curiae was appointed to argue the contrary position.

Held: This Court has jurisdiction under § 1254(1) to review denials of applications for certificates of appealability by a circuit judge or a court of appeals panel. Hohn's certificate application is a "case in" the Court of Appeals under § 1254(1) because the word "case," as used in a statute, means a court proceeding, suit, or action, *Blyew v. United States*, 13 Wall. 581, 595; the dispute here is a proceeding seeking relief for an immediate and redressable injury, i. e., wrongful detention in violation of the Constitution; and there is adversity as well as the other requisite

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qualities of a "case." That § 2253(c)(1) permits the certificate to be issued by a "circuit justice or judge" does not mean the judge's denial of a certificate is his or her own action, rather than the court's. The fact that Hohn's application moved through the Eighth Circuit in the same manner as cases in general do, yielding a decision that has been regarded in that court as precedential, suggests the application was as much a case in the Court of Appeals as any other matter. This conclusion is also confirmed by the adoption by every Court of Appeals but one of rules governing the disposition of certificate applications; by the issuance of the order denying Hohn's certificate in the name of the court and under its seal; by Federal Rule of Appellate Procedure 22(b), which specifically provides for consideration of certificate applications by the

entire court of appeals; by Federal Rule 27(c), which authorizes the court of appeals to review decisions that individual judges are authorized to make on their own; by Eighth Circuit Rule 27B(b)(2), which lists grants of probable cause certificates by individual judges as reviewable decisions under Rule 27(c); and by the uniform practice of the courts of appeals, see *In re Burwell*, 350 U. S. 521, 522. Early cases acknowledging that this Court may not review a federal judge's actions performed in an administrative, as opposed to a judicial, capacity, see, e. g., *United States v. Ferreira*, 13 How. 40, 51-52, are inapposite because certificate application decisions are judicial in nature. The contention of the dissent and the Court-appointed amicus that the failure to satisfy a threshold prerequisite for court of appeals jurisdiction, such as the issuance of a certificate of appealability, prevents a case from ever being "in" that court under § 1254(1) is foreclosed by precedent. See, e. g., *Ex parte Quirin*, 317 U. S. 1,24; *Nixon v. Fitzgerald*, 457 U. S. 731, 742-743, and n. 23; and *Automobile Workers v. Scofield*, 382 U. S. 205, 208-209. The argument is also refuted by the recent amendment to § 2244(b)(3)(E) barring certiorari review of court of appeals denials of motions to file second or successive habeas applications, which would have been superfluous were such a motion not a case in the court of appeals for § 1254(1) purposes, see, e. g., *Kawaauhau v. Geiger*, 523 U. S. 57, 62, and which contrasts tellingly with the absence of an analogous limitation on certiorari review of denials of appealability certificate applications, see, e. g., *Bates v. United States*, 522 U. S. 23, 29-30. Today's holding conforms the Court's commonsense practice to the statutory scheme, making it unnecessary to invoke the Court's extraordinary jurisdiction in routine cases, which present important and meritorious claims such as Hohn's. Although the decision directly conflicts with the portion of *House v. Mayo*, 324 U. S. 42,48 (per curiam), holding this Court lacks statutory certiorari jurisdiction to review denials of certificates of probable cause, stare decisis does not require adherence to that erroneous conclusion,

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which is hereby overruled. The Eight Circuit's decision is vacated in light of the Solicitor General's position in this Court. Pp. 241-253.

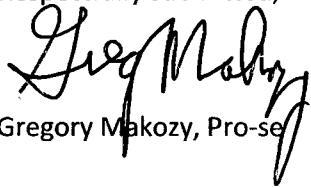
99 F.3d 892, vacated and remanded.

KENNEDY, J., delivered the opinion of the Court, in which STEVENS, SOUTER, GINSBURG, and BREYER, JJ., joined. SOUTER, J., filed a concurring opinion, post, p. 253. SCALIA, J., filed a dissenting opinion, in which REHNQUIST, C. J., and O'CONNOR and THOMAS, JJ., joined, post, p. 254.

X. CONCLUSION

For the foregoing reasons, defendant respectfully requests that this Court issue a writ of certiorari to review the judgment of the Third Circuit Court of Appeals.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Greg Makozy".

Gregory Makozy, Pro-se

APPENDIX XI.

- 1. Order of Court dismissing ALL charges against the Defendant**
- 2. Docket for case no. 22-2762**
- 3. Order of Court from 22-2762**
- 4. Order of Court 22-2762**
- 5. Order of Court from District Court in relation to case 22-2762**

EXHIBIT 7

~~See page 4~~

UNITED STATES DISTRICT COURT

Western District of Pennsylvania

UNITED STATES OF AMERICA

v.

GREGORY M. MAKOZY, SR.

Amended
JUDGMENT IN A CRIMINAL CASE

Case Number: 15-184
USM Number: 05730-068
Martin A. Dietz
Defendant's Attorney

THE DEFENDANT:

pleaded guilty to count(s) 6

pleaded nolo contendere to count(s) _____ which was accepted by the court.

was found guilty on count(s) _____ after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18 U.S.C. 152(7)	Concealment of Bankruptcy Assets	6/21/2012	6

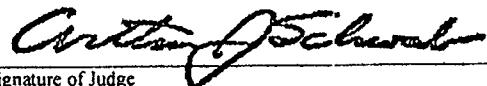
The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

The defendant has been found not guilty on count(s) _____

Count(s) 1-5, and 6-10 is are dismissed on the motion of the United States.

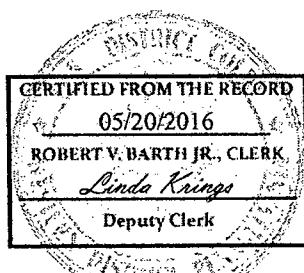
It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

5/20/2016
Date of Imposition of Judgment


Signature of Judge

Arthur J. Schwab, United States District Judge
Name and Title of Judge

5/20/2016
Date



If you view the **Full Docket** you will be charged for 1 Pages \$0.10

General Docket
Third Circuit Court of Appeals

Court of Appeals Docket #: 22-2762

Docketed: 09/21/2022

Nature of Suit: 2510 Prisoner Petition-Vacate Sentence

Termed: 01/09/2023

USA v. Gregory Makoz, Sr.

Appeal From: United States District Court for the Western District of Pennsylvania

Fee Status: CJA dispenses fee

Case Type Information:

- 1) civil
- 2) United States as party
- 3) Motion to vacate-prisoner

Originating Court Information:

District: 0315-2 : 2-15-cr-00184-001

Trial Judge: Arthur J. Schwab, U.S. District Judge

Date Filed: 08/25/2015

Date Order/Judgment:

09/07/2022

Date Order/Judgment EOD:

09/07/2022

Date NOA Filed:

09/20/2022

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 22-2762

USA v. Gregory Makozy, Sr.

(District Court No. 2-15-cr-00184-001)

O R D E R

It appearing that the District Court has not issued a certificate of appealability or stated reasons why a certificate of appealability should not issue pursuant to Fed. R. App. P. 22(b) and 28 U.S.C. Section 2253 and that under 3rd Cir. LAR 22.2 the District Court is required to make a determination as to whether a certificate of appealability should issue at the time a final order is issued; it is hereby

ORDERED that the matter is remanded to the District Court for the sole purpose of either issuing a certificate of appealability or stating reasons why a certificate of appealability should not issue.

The appeal is stayed pending determination by the District Court.

For the Court,

s/ Patricia S. Dodszuweit

Clerk

Date: September 22, 2022

Sb/cc: Gregory Makozy, Sr.
Laura S. Irwin, Esq.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,

Plaintiff,
v.

Criminal No. 15-0184
ELECTRONICALLY
FILED

GREGORY M. MAKOZY, SR.,

Defendant.

ORDER OF COURT

Before the Court is an Order from the United States Court of Appeals for the Third Circuit filed at ECF 178, requiring this Court to either issue a certificate of appealability or deny the issuance of such a certificate with respect to this Court's Order filed at ECF 174, denying Defendant Makozy's "Motion to Vacate under 28 U.S.C. 2255" which he filed at ECF 173.

No certificate of appealability will issue for the following reasons:

1. In order to get a certificate of appealability, Defendant had to show in his motion filed at ECF 173, that he had been denied a constitutional right as a U.S. citizen. He failed to do so.
2. Secondly, the document filed at ECF 173 was not a *habeas corpus* petition, despite the self-serving title Defendant used. As this Court has noted in several prior Orders, Defendant already completed his term of imprisonment (he was released on April 11, 2018 <https://www.bop.gov/inmateloc/>), and has already completed his 3-year term of supervised release. Thus, this Court's criminal docket related to Defendant has been, and remains, closed. Therefore, a *habeas corpus* petition is inappropriate given the status of Defendant's case.
3. Moreover, Defendant's petition filed at ECF 173, in actuality, seeks some relief related to his IRS debt and/or an IRS lien. As this Court (repeatedly), and the Court of Appeals

for the Third Circuit (on at least one occasion (see ECF 171 and ECF 172-2)), have informed Defendant that there are “no there are civil remedies for the failure to release a lien and unauthorized collection actions provided a plaintiff has first exhausted administrative remedies within the IRS. See 26 U.S.C. §§ 7432, 7433.” ECF 172-2. The Court of Appeals agreed with this Court in holding that this Court “lacks authority, within the confines of this closed criminal case, to adjudicate [Defendant’s] complaints regarding a civil tax lien imposed by the IRS.” ECF 172-2.

4. Finally, despite the fact that Defendant styled his most recent unauthorized filing, as a “Motion to Vacate under 28 U.S.C. 2255,” as this Court explained in its Order denying same (see ECF 174), “[t]o the extent that in this most recent filing (ECF 173), Defendant actually hopes to vacate his old 2016 sentence wherein this Court ordered restitution be paid to the IRS, then his Motion to Vacate is denied because it is an unauthorized, successive § 2255 motion. See ECF 97, ECF 108, ECF 109, and ECF 113.

For all the foregoing reasons, this Court hereby denies Defendant’s request for a Certificate of Appealability and reminds Defendant that he is not to file any additional documents on this closed, criminal docket.

SO ORDERED, this 28th day of September, 2022.

s/ Arthur J. Schwab
Arthur J. Schwab
United States District Judge

cc: All ECF counsel of record and
Gregory M. Makoz
3701 SW Coquina Cove Way #103
Palm City, FL 34990

09/21/2022	<u>1</u>	CIVIL CASE DOCKETED. Notice filed by Appellant Mr. Gregory Makozy, Sr. in District Court No. 2-15-cr-00184-001. (SB) [Entered: 09/21/2022 09:51 AM]
09/21/2022	<u>2</u>	RECORD available on District Court CM/ECF. (SB) [Entered: 09/21/2022 09:57 AM]
09/22/2022	<u>3</u>	ECF FILER: ENTRY OF APPEARANCE from Laura Schleich Irwin on behalf of Appellee(s) United States of America. [22-2762] (LSI) [Entered: 09/22/2022 10:35 AM]
09/22/2022	<u>4</u>	ORDER (Clerk) remanding appeal to District Court for the purpose of either issuance of a certificate of appealability or a statement of reasons why one should not issue. The appeal is STAYED pending determination by the District Court. (SB) [Entered: 09/22/2022 10:52 AM]
09/28/2022	<u>5</u>	COPY OF OPINION/ORDER OF DISTRICT COURT dated 09/28/2022 signed by Arthur J. Schwab. (SB) [Entered: 09/28/2022 03:43 PM]
09/30/2022	<u>6</u>	LEGAL DIVISION LETTER SENT advising that the case will be submitted to a panel of this Court for a decision on the issuance of certificate of appealability. (MW) [Entered: 09/30/2022 08:08 AM]
10/05/2022	<u>7</u>	MOTION filed by Appellant Mr. Gregory Makozy, Sr. for Certificate of Appealability. Response due on 10/17/2022. Certificate of Service dated 10/03/2022. Service made by US mail. (SB) [Entered: 10/13/2022 04:03 PM]
01/09/2023	<u>8</u>	ORDER (JORDAN, SHWARTZ and SCIRICA, Circuit Judges) denying motion for certificate of appealability filed by Appellant Mr. Gregory Makozy, Sr.. Panel No.: DLD-060. Jordan, Authoring Judge. (KR) [Entered: 01/09/2023 01:22 PM]

PACER Service Center			
Transaction Receipt			
Third Circuit - 06/02/2023 18:39:33			
PACER Login:	gmakozy1	Client Code:	
Description:	Case Summary	Search Criteria:	22-2762
Billable Pages:	1	Cost:	0.10

DLD-060

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. **22-2762**

UNITED STATES OF AMERICA

v.

GREGORY MAKOZY, SR.,
Appellant

(W.D. Pa. Civ. No. 2-15-cr-00184-001)

Present: JORDAN, SHWARTZ, and SCIRICA, Circuit Judges

Submitted is Appellant's request for a certificate of appealability under 28 U.S.C. § 2253(c)(1)

in the above-captioned case.

Respectfully,

Clerk

ORDER

Appellant's request for a certificate of appealability is denied because reasonable jurists would not debate that the District Court properly dismissed Appellant's motion filed under 28 U.S.C. § 2255. See Slack v. McDaniel, 529 U.S. 473, 484 (2000). As the District Court noted, Appellant's motion was an unauthorized second or successive § 2255 motion over which the District Court lacked jurisdiction. See Robinson v. Johnson, 313 F.3d 128, 139 (3d Cir. 2002).

By the Court,

s/ Kent A. Jordan
Circuit Judge

Dated: January 9, 2023

A True Copy:

Patricia S. Dodszuweit

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



kr/cc: Gregory Makozy, Sr.
Laura S. Irwin, Esq.

OFFICE OF THE CLERK

PATRICIA S. DODSZUWEIT

CLERK



UNITED STATES COURT OF APPEALS

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

Website: www.ca3.uscourts.gov

TELEPHONE
215-597-2995

January 26, 2023

Gregory Makozy, Sr.
4599 SW Hallmark Street
Port St. Lucie, FL 34593

RE: USA v. Makozy
Docket No.: 22-2762

Dear Mr. Makozy.:

This will confirm receipt of our letter on January 23, 2023. Any petition for writ of certiorari or other request for review of this Court's decision by the Supreme Court of the United States must be filed directly with the Supreme Court according to that Court's rules and procedures. Filing a notice of appeal in this Court is not sufficient. Accordingly, no action will be taken on the Notice of Appeal.

The address for the Supreme Court is:

Office of the Clerk
Supreme Court of the United States
One First Street, N.E.
Washington, D.C. 20543-0001.

Very truly yours,

s/Stephanie
Case Manager

kr/cc: Gregory Makozy, Sr.
Laura S. Irwin, Esq.

No. 23-_____

SUPREME COURT OF THE UNITED STATES

Gregory Makozy,

Petitioner

vs

USA,

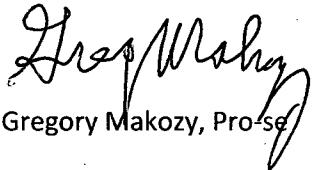
Respondent

CERTIFICATE OF SERVICE

AND NOW COMES, Gregory Makozy, Pro-se to file this motion:

I certify I sent a copy to the court by regular mail.

Respectfully submitted,


Gregory Makozy, Pro-se

RECEIVED
JUN 12 2023
OFFICE OF THE CLERK
SUPREME COURT, U.S.