

Appendix  
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S.D.N.Y. - N.Y.C.  
23-cv-10522  
Swain, C.J.

United States Court of Appeals  
FOR THE  
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 17<sup>th</sup> day of June, two thousand twenty-four.

Present:

Dennis Jacobs,  
Myrna Pérez,  
Maria Araújo Kahn,  
*Circuit Judges.*

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Rafael Arden Jones,

*Petitioner-Appellant,*

v.

24-54

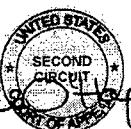
Ned McCormack,

*Respondent-Appellee.*

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Appellant, pro se, moves for leave to proceed in forma pauperis, for a certificate of appealability, bail, to amend, for an order of protection, and for copyright infringement. Upon due consideration, it is hereby ORDERED that the motions are DENIED and the appeal is DISMISSED because it "lacks an arguable basis either in law or in fact," and because Appellant has not made a "substantial showing of the denial of a constitutional right." *Neitzke v. Williams*, 490 U.S. 319, 325 (1989); *Miller-El v. Cockrell*, 537 U.S. 322, 327 (2003); *see also* 28 U.S.C. §§ 1915(e), 2253(c)(2).

FOR THE COURT:  
Catherine O'Hagan Wolfe, Clerk of Court

*Catherine O'Hagan Wolfe*  


UNITED STATES COURT OF APPEALS  
for the  
SECOND CIRCUIT

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At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 29<sup>th</sup> day of July, two thousand twenty-four.

Present: Dennis Jacobs,  
Myrna Pérez,  
Maria Araújo Kahn,  
*Circuit Judges.*

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Rafael Arden Jones,  
Petitioner - Appellant,

**ORDER**  
Docket No. 24-54

v.  
Ned McCormack,  
Respondent - Appellee.

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Appellant, Rafael Arden Jones, filed a motion for reconsideration and the panel that determined the motion has considered the request.

IT IS HEREBY ORDERED, that the motion is denied.

For The Court:  
Catherine O'Hagan Wolfe,  
Clerk of Court

*Catherine O'Hagan Wolfe*



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

RAFAEL ARDEN JONES,

Petitioner,

-against-

NED McCORMACK,

Respondent.

23-CV-10522 (LTS)

ORDER OF DISMISSAL  
UNDER 28 U.S.C. § 1651

LAURA TAYLOR SWAIN, Chief United States District Judge:

Petitioner filed this *pro se* petition for a writ of *habeas corpus* under 28 U.S.C. § 2241, challenging his ongoing criminal proceedings that are pending, under indictment number 70616-21, in the Bronx Supreme Criminal Court.<sup>1</sup>

On November 6, 2023, because of Petitioner's continuous submission of frivolous petitions for writs of *habeas corpus* under section § 2241, the Court barred Petitioner from filing future *habeas corpus* petitions *in forma pauperis* in this court, challenging his ongoing criminal proceedings, arising from the 2021 arrest, without first obtaining from the court leave to file. *See Jones v. McCormack*, No. 23-CV-8296, 13 (S.D.N.Y. Nov. 6, 2023). Petitioner brings this new *pro se* petition for a writ of *habeas corpus*, challenging his ongoing criminal proceedings, arising from the 2021 arrest, but he has not sought leave from the Court. Because Petitioner failed to seek leave to file this action, the Court denies the petition without prejudice pursuant to the November 6, 2023 order and judgment in *Jones v. McCormack*, No. 23-CV-8296, 13 (S.D.N.Y. Nov. 6, 2023).

Because the petition makes no substantial showing of a denial of a constitutional right, a certificate of appealability will not issue. *See* 28 U.S.C. § 2253. The Court certifies, pursuant to

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<sup>1</sup> The petition is dated November 22, 2023. (ECF 1 at 8.)

28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

The Clerk of Court is directed to enter judgment in this case.

SO ORDERED.

Dated: December 8, 2023  
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN  
Chief United States District Judge

**Additional material  
from this filing is  
available in the  
Clerk's Office.**