

APPENDIX A

Opinion and Judgement of the Court of Appeals

Entered May 16, 2024

CLD-105

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No. 24-1174

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LASSISSI AFOLABI,  
Appellant

v.

WARDEN FORT DIX FCI

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On Appeal from the United States District Court  
for the District of New Jersey  
(D.C. Civil Action No. 1:22-cv-05633)  
District Judge: Honorable Christine P. O'Hearn

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Submitted for Possible Dismissal Pursuant to 28 U.S.C. § 1915(e)(2)(B) or  
Summary Action Pursuant to Third Circuit L.A.R. 27.4 and I.O.P. 10.6  
April 11, 2024

Before: KRAUSE, FREEMAN, and SCIRICA, Circuit Judges

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**JUDGMENT**

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This cause came to be considered on the record from the United States District Court for the District of New Jersey and was submitted for possible dismissal pursuant to 28 U.S.C. § 1915(e)(2)(B) and for possible summary action pursuant to Third Circuit L.A.R. 27.4 and I.O.P. 10.6 on April 11, 2024. On consideration whereof, it is now hereby

ORDERED and ADJUDGED by this Court that the judgment of the District Court entered January 11, 2024, be and the same hereby is affirmed. All of the above in accordance with the opinion of this Court.

ATTEST:

s/ Patricia S. Dodszuweit  
Clerk

DATED: May 16, 2024

CLD-105

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No. 24-1174

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LASSISSI AFOLABI,  
Appellant

v.

WARDEN FORT DIX FCI

---

On Appeal from the United States District Court  
for the District of New Jersey  
(D.C. Civil Action No. 1:22-cv-05633)  
District Judge: Honorable Christine P. O'Hearn

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Submitted for Possible Dismissal Pursuant to 28 U.S.C. § 1915(e)(2)(B) or  
Summary Action Pursuant to Third Circuit L.A.R. 27.4 and I.O.P. 10.6  
April 11, 2024

Before: KRAUSE, FREEMAN, and SCIRICA, Circuit Judges

(Opinion filed: May 16, 2024)

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OPINION\*

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\* This disposition is not an opinion of the full Court and pursuant to I.O.P. 5.7 does not constitute binding precedent.

PER CURIAM

Federal prisoner Lassissi Afolabi appeals pro se from the District Court's decision dismissing his second 28 U.S.C. § 2241 case for lack of jurisdiction. For the reasons that follow, we will summarily affirm that judgment.

I.

In 2010, the District Court sentenced Afolabi to 292 months in prison for various offenses. After we affirmed that judgment, see United States v. Afolabi, 455 F. App'x 184, 187 (3d Cir. 2011), he moved the District Court to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255. The District Court denied that motion on the merits, and we denied a certificate of appealability ("COA"). See C.A. No. 16-1983. Next, while Afolabi was incarcerated at Fort Dix FCI in New Jersey, he filed his first § 2241 petition, collaterally attacking his conviction and sentence. The District Court dismissed that petition for lack of jurisdiction, and we summarily affirmed that judgment. See Afolabi v. Warden Fort Dix FCI, 821 F. App'x 72, 74 (3d Cir. 2020) (per curiam). Later, Afolabi applied for permission to file a second or successive § 2255 motion, but we denied that application. See C.A. No. 21-3203.

Undeterred, in 2022 (when, again, Afolabi was incarcerated at Fort Dix FCI), he brought a second § 2241 case in the District Court. On January 11, 2024, the District Court dismissed that case for lack of jurisdiction. This timely appeal followed.

## II.

We have jurisdiction over this appeal pursuant to 28 U.S.C. §§ 1291 and 2253(a).<sup>1</sup>

We exercise plenary review over the District Court's legal conclusions and review its factual findings for clear error. See Cradle v. United States ex rel. Miner, 290 F.3d 536, 538 (3d Cir. 2002) (per curiam). We may take summary action if this appeal fails to present a substantial question. See 3d Cir. I.O.P. 10.6.

A § 2255 motion is the presumptive means by which a federal prisoner can collaterally attack the legality of his conviction or sentence. See Okereke v. United States, 307 F.3d 117, 120 (3d Cir. 2002). A federal prisoner may instead proceed under § 2241 only if he demonstrates that a § 2255 motion would be “inadequate or ineffective to test the legality of his detention.” 28 U.S.C. § 2255(e). While Afolabi's second § 2241 case was pending before the District Court, the Supreme Court clarified that a § 2255 motion is “inadequate or ineffective” under § 2255(e) only (1) “where unusual circumstances make it impossible or impracticable to seek relief in the sentencing court,” or (2) where the litigant is asserting a “challenge[] to detention other than [a] collateral attack[] on a sentence.” Jones v. Hendrix, 599 U.S. 465, 478 (2023).

We agree with the District Court that Afolabi's second § 2241 case was subject to dismissal for lack of jurisdiction, for neither of the two situations described in Jones is present in his case. See Voneida v. Johnson, 88 F.4th 233, 239 (3d Cir. 2023)

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<sup>1</sup> Afolabi does not need to obtain a COA to proceed with this appeal. See United States v. Cepero, 224 F.3d 256, 264-65 (3d Cir. 2000) (en banc), abrogated on other grounds by Gonzalez v. Thaler, 565 U.S. 134 (2012).

(remanding with instructions to dismiss § 2241 petition for lack of jurisdiction in view of Jones).<sup>2</sup> Because this appeal does not present a substantial question, we will summarily affirm the District Court's judgment.<sup>3</sup> Afolabi's motion for appointment of counsel is denied, as the "interests of justice" do not require counsel appointment in this appeal. See 18 U.S.C. § 3006A(a)(2).

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<sup>2</sup> In dismissing Afolabi's second § 2241 case, the District Court declined to exercise its discretion under 28 U.S.C. § 1631 to transfer the matter to our Court for treatment as another application for leave to file a second or successive § 2255 motion. That was not an abuse of discretion, especially since Afolabi's second § 2241 case raises the same claims that undergirded his application that we denied in C.A. No. 21-3203.

<sup>3</sup> We have considered Afolabi's various arguments in support of this appeal and conclude that none has merit.

APPENDIX B

District Court's Opinion and Order Dismissing the Petition  
for Lack of Jurisdiction

Entered January 11, 2024



**Other Orders/Judgments**

1:22-cv-05633-CPO AFOLABI v.

KNIGHT

HABEAS,PLO

**U.S. District Court**

**District of New Jersey [LIVE]**

**Notice of Electronic Filing**

The following transaction was entered on 1/11/2024 at 4:22 PM EST and filed on 1/11/2024

**Case Name:** AFOLABI v. KNIGHT

**Case Number:** 1:22-cv-05633-CPO

**Filer:**

**Document Number:** 8

**Docket Text:**

**OPINION.** Signed by Judge Christine P. O'Hearn on 1/11/2024. (mag, N.M.)

**1:22-cv-05633-CPO Notice has been electronically mailed to:**

JOHN ANDREW RUYMANN john.ruymann@usdoj.gov, lauren.goldner@usdoj.gov, usanj.ecftrentoncivil@usdoj.gov

STEVEN G. SANDERS steven.sanders2@usdoj.gov, CaseView.ECF@usdoj.gov, usanj.ecfcriminaldocketing@usdoj.gov

**1:22-cv-05633-CPO Notice has been sent by regular U.S. Mail:**

LASSISSI AFOLABI

28877-050

FORT DIX FEDERAL CORRECTIONAL INSTITUTION

P.O. BOX 2000

Joint Base MDL, NJ 08640

The following document(s) are associated with this transaction:

**Document description:**Main Document

**Original filename:**n/a

**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=1046708974 [Date=1/11/2024] [FileNumber=17965380-0] [0136b2d62e8a82dcea29ee663342f0afd8725130fa513c035d71b19388f083e856cebef6658aafef6dea6ad324994668a6975d87405e3ba93f7be9ccc07ffb801]]

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

LASSISSI AFOLABI,

Petitioner,

v.

STEVEN KNIGHT,

Respondent.

Civil Action  
No. 22-5633 (CPO)

OPINION

O'HEARN, District Judge.

Petitioner is a federal prisoner currently incarcerated at Federal Correctional Institution Fort Dix, in Fort Dix, New Jersey. He is proceeding *pro se* with an Amended Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 (hereinafter "Petition"). (ECF No. 3.) Respondent filed a limited<sup>1</sup> Answer opposing relief, (ECF No. 6), and Petitioner submitted a Reply, (ECF No. 7). For the reasons stated in this Opinion, the Court will dismiss the Petition for lack of jurisdiction.

Petitioner filed his Petition under § 2241, challenging the validity of his conviction and sentence. Essentially, Petitioner argues that his sentencing court, the United States District Court for the District of New Jersey,<sup>2</sup> lacked jurisdiction over him. (*See id.* at 15–48.) He alleges that his sentencing court lacked jurisdiction because the indictment against him "failed to establish [a] federal interstate commerce nexus" and because "Title 18 U.S.C. is unconstitutional." (ECF No. 3, at 8.)

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<sup>1</sup> The Court had ordered a limited answer on the issue of jurisdiction. (ECF No. 5.)

<sup>2</sup> The Honorable Jose L. Linares presided over Petitioner's criminal case, *United States v. Afolabi*, Crim. No. 07-785.

Generally, however, a person must challenge the validity of a federal conviction or sentence under 28 U.S.C. § 2255. *See Jackman v. Shartle*, 535 F. App'x 87, 88–89 (3d Cir. 2013) (citing *Okereke v. United States*, 307 F.3d 117, 120 (3d Cir. 2002)). This is true because 28 U.S.C. § 2255 prohibits a district court from entertaining a challenge to a federal conviction or sentence through § 2241 unless the remedy under § 2255 is “inadequate or ineffective.” *See* 28 U.S.C. § 2255(e). More specifically, the “savings clause” in § 2255(e) states that:

An application for a writ of habeas corpus in behalf of a prisoner who is authorized to apply for relief by motion pursuant to this section, shall not be entertained if it appears that the applicant has failed to apply for relief, by motion, to the court which sentenced him, or that such a court has denied him relief, unless it also appears that the remedy by the motion is inadequate or ineffective to test the legality of his detention.

However, § 2255 “is not inadequate or ineffective merely because the sentencing court does not grant relief, the one-year statute of limitations has expired, or the petitioner is unable to meet the stringent gatekeeping requirements of . . . § 2255.” *Cradle v. U.S. ex rel. Miner*, 290 F.3d 536, 539 (3d Cir. 2002). “It is the inefficacy of the remedy, not the personal inability to use it, that is determinative.” *Id.* at 538. “The provision exists to ensure that petitioners have a fair opportunity to seek collateral relief, not to enable them to evade procedural requirements.” *Id.* at 539 (citing *In re Dorsainvil*, 119 F.3d 245, 251–52 (3d Cir. 1997)).

During the pendency of this case, the Supreme Court decided *Jones v. Hendrix*, 599 U.S. 465 (2023). In *Jones*, the Supreme Court “sharply curtail[ed] the use of the savings clause for collateral attacks under § 2241,” and limits its use to “the unusual circumstances in which it is impossible or impracticable for a prisoner to seek relief from the sentencing court.” *Parke v. Bergami*, No. 21-20385, 2023 WL 6619636, at \*2 (D.N.J. Oct. 11, 2023) (quoting *Jones*, 599 U.S. at 474); *see also Polk v. Warden Allenwood FCI*, No. 19-3336, 2023 WL 8665979, at \*2 (3d Cir.

Dec. 15, 2023); *Ferguson v. Warden Fairton FCI*, No. 17-2819, 2023 WL 8295925, at \*2 (3d Cir. Dec. 1, 2023). As an example, the Supreme Court explained that such circumstances include “the sentencing court’s dissolution; [as] a motion in a court that no longer exists is obviously ‘inadequate or ineffective’ for any purpose.” *Jones*, 599 U.S. at 474; *see id.* at 504 (J. Jackson, dissenting) (explaining that the “impossible or impracticable” standard effectively limits the saving clause to situations such as when the sentencing court “has burned to the ground or been carried away by a mudslide”). Additionally, “[t]he saving clause might also apply when it is not practicable for the prisoner to have his motion determined in the trial court because of his inability to be present at the hearing, or for other reasons.” *Jones*, 599 U.S. at 475 (internal quotation marks omitted).

Thus, post-*Jones*, the saving clause under § 2255(e) only “preserves recourse to § 2241 in cases where unusual circumstances make it impossible or impracticable to seek relief in the sentencing court, as well as for challenges to detention other than collateral attacks on a sentence.” *Id.* at 478.

Applying those principles here, § 2255 is not inadequate or ineffective to raise Petitioner’s claims. Indeed, Petitioner’s claims that his sentencing court lacked jurisdiction, is a type of claim specifically enumerated under § 2255. *See* 28 U.S.C. § 2255(a) (stating that a prisoner may move to vacate, set aside or correct a sentence that “was imposed in violation of the Constitution or laws of the United States, or that the court was without jurisdiction to impose such sentence.”); *see also e.g., Osborne v. Ortiz*, No. 20-20561, 2022 WL 2067282, at \*1 (D.N.J. June 8, 2022); *Samuels v. United States*, No. 20-6970, 2021 WL 194762, at \*4 (D.N.J. Jan. 19, 2021). Nor has Petitioner otherwise met the “impossible or impracticable” standard to trigger the savings clause, *Jones*, 599

U.S. at 474, as his sentencing court, this Court, has not “burned to the ground or been carried away” by the waves. *Id.* at 504 (J. Jackson, dissenting).

In his Reply, Petitioner challenges *Jones*, arguing that the Supreme Court held that Congress rejected the “impossible or impracticable” standard. (ECF No. 7, at 2 (emphasizing that the “majority . . . fails to mention that Congress specifically rejected language that embraced the majority’s ‘impracticable only’ proposition.”) (quoting *Jones*, 599 U.S. at 504–05) (J. Jackson, dissenting)). Petitioner’s argument, however, relies on the dissents in *Jones*, but it is the majority’s decisions that are binding on this Court. Accordingly, this Court is obliged to follow the majority’s “impossible or impracticable” standard.

Additionally, Petitioner argues that § 2255 is inadequate or ineffective because he applied to file a second or successive § 2255 motion, and the Third Circuit denied his application. (ECF No. 7, at 3.) Once again, it “is the inefficacy of the remedy, not the personal inability to use it, that is determinative.” *Cradle*, 290 F.3d at 538. As discussed above, § 2255 explicitly allows a petitioner to challenge his sentencing court’s jurisdiction. *See e.g.*, 28 U.S.C. § 2255(a); *Osborne*, 2022 WL 2067282, at \*1; *Samuels*, 2021 WL 194762, at \*4. “Section 2255 is not inadequate or ineffective merely because a prior motion has been unsuccessful or because” Petitioner is personally “unable to meet the stringent gatekeeping requirements for filing a second or successive § 2255 motion.” *Harrison v. Schultz*, 285 F. App’x 887, 888 (3d Cir. 2008); *see also e.g.*, *Cruz v. United States*, 665 F. App’x 126, 127 (3d Cir. 2016); *Russell v. Allenwood*, 639 F. App’x 891, 892 (3d Cir. 2016).

Accordingly, this Court lacks jurisdiction under § 2241 to consider Petitioner’s claims. When a party files a civil action in a court that lacks jurisdiction, “the court shall, if it is in the interest of justice, transfer such action . . . to any other such court in which the action . . . could

have been brought at the time it was filed.” 28 U.S.C. § 1631. Since Petitioner has already pursued a motion under § 2255, *see Afolabi v. Warden Fort Dix FCI*, 821 F. App’x 72, 73 (3d Cir. 2020), he must seek authorization from the Third Circuit to file a second or successive § 2255 motion. 28 U.S.C. § 2244(b)(3). This Court finds that it is not in the interest of justice to transfer the Petition to the Third Circuit, as it does not appear that Petitioner can satisfy the requirements of § 2244(b)(2), and because he alleges that the Third Circuit has already denied his application to file a second or successive motion. (ECF No. 7, at 3); *see generally In re: Afolabi*, No. 21-3203, ECF No. 4 (3d. Cir. 2021) (denying application). However, this Court’s decision does not prevent Petitioner from seeking permission from the Third Circuit on his own.

For all those reasons, the Court will dismiss the Petition for lack of jurisdiction.

DATED: January 11, 2024

/s/ Christine P. O’Hearn  
**Christine P. O’Hearn**  
**United States District Judge**

**Other Orders/Judgments**

1:22-cv-05633-CPO AFOLABI v.  
KNIGHT

HABEAS,PLO

**U.S. District Court**

**District of New Jersey [LIVE]**

**Notice of Electronic Filing**

The following transaction was entered on 1/11/2024 at 4:27 PM EST and filed on 1/11/2024

**Case Name:** AFOLABI v. KNIGHT

**Case Number:** 1:22-cv-05633-CPO

**Filer:**

**Document Number:** 9

**Docket Text:**

**ORDER** Dismissing for lack of jurisdiction the Amended Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 [3]; Clerk of the Court shall CLOSE this matter. Signed by Judge Christine P. O'Hearn on 1/11/2024. (mag, N.M.)

**1:22-cv-05633-CPO Notice has been electronically mailed to:**

JOHN ANDREW RUYMANN john.ruymann@usdoj.gov, lauren.goldner@usdoj.gov, usanj.ecftrentoncivil@usdoj.gov

STEVEN G. SANDERS steven.sanders2@usdoj.gov, CaseView.ECF@usdoj.gov, usanj.ecfcriminaldocketing@usdoj.gov

**1:22-cv-05633-CPO Notice has been sent by regular U.S. Mail:**

LASSISSI AFOLABI

28877-050

FORT DIX FEDERAL CORRECTIONAL INSTITUTION

P.O. BOX 2000

Joint Base MDL, NJ 08640

The following document(s) are associated with this transaction:

**Document description:**Main Document

**Original filename:**n/a

**Electronic document Stamp:**

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UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

LASSISSI AFOLABI,

Petitioner,

v.

STEVEN KNIGHT,

Respondent.

Civil Action  
No. 22-5633 (CPO)

**ORDER**

**O'HEARN, District Judge.**

This matter having come before the Court by way of Petitioner's Amended Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, and the Court having reviewed the parties' submissions, and for the reasons set forth in the accompanying Opinion,

IT IS, on this 11<sup>th</sup> day of January 2024,

**ORDERED** that the Amended Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, (ECF No. 3), is **DISMISSED** for lack of jurisdiction; and it is further

**ORDERED** that the Clerk of the Court shall serve a copy of this Order and the accompanying Opinion upon Petitioner by regular U.S. mail and **CLOSE** this case.

/s/ Christine P. O'Hearn  
**Christine P. O'Hearn**  
**United States District Judge**



**Utility Events**

1:22-cv-05633-CPO AFOLABI v.  
KNIGHT

HABEAS,PLO

**U.S. District Court**  
**District of New Jersey [LIVE]**

**Notice of Electronic Filing**

The following transaction was entered on 1/11/2024 at 4:30 PM EST and filed on 1/11/2024

**Case Name:** AFOLABI v. KNIGHT

**Case Number:** 1:22-cv-05633-CPO

**Filer:**

**WARNING: CASE CLOSED on 01/11/2024**

**Document Number:** No document attached

**Docket Text:**

**\*\*\*Civil Case Terminated. (mag)**

**1:22-cv-05633-CPO Notice has been electronically mailed to:**

JOHN ANDREW RUYMANN john.ruymann@usdoj.gov, lauren.goldner@usdoj.gov, usanj.ecftrentoncivil@usdoj.gov

STEVEN G. SANDERS steven.sanders2@usdoj.gov, CaseView.ECF@usdoj.gov, usanj.ecfcriminaldocketing@usdoj.gov

**1:22-cv-05633-CPO Notice has been sent by regular U.S. Mail:**

LASSISSI AFOLABI

28877-050

FORT DIX FEDERAL CORRECTIONAL INSTITUTION

P.O. BOX 2000

Joint Base MDL, NJ 08640

APPENDIX C

Order Denying the Petition for Rehearing En Bone

Entered July 17, 2024

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

---

No. 24-1174

---

LASSISSI AFOLABI,  
Appellant

v.

WARDEN FORT DIX FCI

---

On Appeal from the United States District Court  
for the District of New Jersey  
(D.C. Civil No. 1-22-cv-05633)

---

**SUR PETITION FOR REHEARING**

---

Present: CHAGARES, *Chief Judge*, JORDAN, HARDIMAN, KRAUSE, RESTREPO,  
BIBAS, PORTER, MATEY, PHIPPS, FREEMAN, MONTGOMERY-REEVES,  
CHUNG, and SCIRICA,\* *Circuit Judges*

The petition for rehearing filed by Appellant in the above-captioned case having been submitted to the judges who participated in the decision of this Court and to all the other available circuit judges of the circuit in regular active service, and no judge who concurred in the decision having asked for rehearing, and a majority of the judges of the circuit in regular service not having voted for rehearing, the petition for rehearing by the panel and the Court en banc is denied.

By the Court,

s/ Arianna J. Freeman  
Circuit Judge

Dated: July 17, 2024

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\* Judge Scirica's vote is limited to panel rehearing.

kr/cc: Lassissi Afolabi  
Mark E. Coyne, Esq.  
Steven G. Sanders, Esq.

APPENDIX D

Motion to Proceed In Forma Pauperis is Granted

Entered February 28, 2024

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 24-1174

Afolabi v. Warden Fort Dix FCI  
(D.N.J. No. 1-22-cv-05633)

To: Clerk

- 1) Motion by Appellant for leave to appeal in forma pauperis

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The foregoing motion to proceed in forma pauperis is granted. In addition to the issue of possible summary action under Third Circuit L.A.R. 27.4 and I.O.P. 10.6 set forth in the letter of February 2, 2024, the appeal will be submitted to a panel of this court for determination under 28 U.S.C. Section 1915(e)(2) as to whether the appeal will be dismissed as legally frivolous. In making this determination, the district court opinion and record will be examined. Appellant may submit argument, which should not exceed 5 pages, in support of the appeal. The document, with certificate of service, must be filed with the Clerk within 21 days of the date of this order. Appellee need not file a response unless directed to do so. The Court may reconsider in forma pauperis status or request additional information at any time during the course of this appeal.

For the Court,

s/ Patricia S. Dodszuweit  
Clerk

Dated: February 28, 2024

kr/cc: Lassissi Afolabi  
Mark E. Coyne, Esq.  
Steven G. Sanders, Esq.

OFFICE OF THE CLERK

PATRICIA S. DODSZUWEIT

UNITED STATES COURT OF APPEALS

TELEPHONE

CLERK

21400 UNITED STATES COURTHOUSE

215-597-2995

601 MARKET STREET

PHILADELPHIA, PA 19106-1790

Website: [www.ca3.uscourts.gov](http://www.ca3.uscourts.gov)



February 2, 2024

Lassissi Afolabi, #28877-050  
Fort Dix FCI  
P.O. Box 2000  
Joint Base MDL, NJ 08640

Mark E. Coyne, Esq.  
Office of United States Attorney  
970 Broad Street  
Room 700  
Newark, NJ 07102

Steven G. Sanders, Esq.  
Office of United States Attorney  
970 Broad Street  
Room 700  
Newark, NJ 07102

RE: Lassissi Afolabi v. Warden Fort Dix FCI  
Case Number: 24-1174  
District Court Case Number: 1-22-cv-05633

To all Parties:

This appeal has been listed for possible summary action by a panel of this Court, pursuant to Chapter 10.6 of the Internal Operating Procedures of the United States Court of Appeals for the Third Circuit. See also Third Circuit Local Appellate Rule 27.4.

Chapter 10.6 provides that the Court *sua sponte* (by its own action) may take summary action on an appeal if it appears that no substantial question is presented or that subsequent precedent or a change in circumstances warrants such action. Specifically, the Court may affirm, reverse, vacate, modify, or remand the judgment or order appealed.

The parties may submit written argument in support of or in opposition to such action. Any response must be received in the Clerk's Office within twenty-one (21) days from the date of this

letter. Please submit to the Clerk an original copy of any response, and a certificate of service indicating that all parties have been served with a copy of the response.-----

Issuance of the briefing schedule will be stayed pending action by the Court. All other filing requirements must be completed (e.g., payment of fees, entry of appearance, corporate disclosure statement, civil appeal information. All parties will be advised of any Order(s) issued in this----- matter.

Very truly yours,

s/ Patricia S. Dodszeit  
Clerk

By:   
Zipporah, Administrative Assistant



APPENDIX E

Certified Judgment

In Lieu of a Formal Mandate -

Treated in All Respects as a Mandate

Entered July 25, 2024

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](http://www.ca3.uscourts.gov)

TELEPHONE

215-597-2995

July 25, 2024

Melissa E. Rhoads  
United States District Court for the District of New Jersey  
Mitchell H. Cohen Building & United States Courthouse  
4th & Cooper Streets  
Camden, NJ 08101

RE: Lassissi Afolabi v. Warden Fort Dix FCI

Case Number: 24-1174

District Court Case Number: 1-22-cv-05633

Dear District Clerk:

Enclosed herewith is the certified judgment together with copy of the opinion in the above-captioned case(s). The certified judgment is issued in lieu of a formal mandate and is to be treated in all respects as a mandate.

Counsel are advised of the issuance of the mandate by copy of this letter. The certified judgment shows costs taxed, if any.

Very truly yours,  
Patricia S. Dodszuweit, Clerk

By: s/ Kirs  
Case Manager  
267-299-4911

cc: Lassissi Afolabi  
Mark E. Coyne, Esq.  
Steven G. Sanders, Esq.

CLD-105

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

---

No. 24-1174

---

LASSISSI AFOLABI,  
Appellant

v.

WARDEN FORT DIX FCI

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On Appeal from the United States District Court  
for the District of New Jersey  
(D.C. Civil Action No. 1:22-cv-05633)  
District Judge: Honorable Christine P. O'Hearn

---

Submitted for Possible Dismissal Pursuant to 28 U.S.C. § 1915(e)(2)(B) or  
Summary Action Pursuant to Third Circuit L.A.R. 27.4 and I.O.P. 10.6  
April 11, 2024

Before: KRAUSE, FREEMAN, and SCIRICA, Circuit Judges

---

**JUDGMENT**

---

This cause came to be considered on the record from the United States District Court for the District of New Jersey and was submitted for possible dismissal pursuant to 28 U.S.C. § 1915(e)(2)(B) and for possible summary action pursuant to Third Circuit L.A.R. 27.4 and I.O.P. 10.6 on April 11, 2024. On consideration whereof, it is now hereby

ORDERED and ADJUDGED by this Court that the judgment of the District Court entered January 11, 2024, be and the same hereby is affirmed. All of the above in accordance with the opinion of this Court.

ATTEST:

s/ Patricia S. Dodszuweit  
Clerk

DATED: May 16, 2024

The seal of the United States Court of Appeals for the Third Circuit is circular. It features an eagle with spread wings perched atop a shield. The shield is divided into sections, with a constellation of stars in the upper portion. The words "UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT" are inscribed around the perimeter of the seal.  
Certified ~~as a true~~ copy and issued in lieu  
of a formal mandate on July 25, 2024

Teste: Patricia S. Dodszuweit  
Clerk, U.S. Court of Appeals for the Third Circuit

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