

APPENDIX

APPENDIX "A".....Concise statement of matters complained of on appeal pursuant to rule of appellate procedure 1925(B)

APPENDIX "B".....56 EDA 2020 Superior Court of Pennsylvania Opinion

APPENDIX "C".....November 22, 2019 Order Denying Post Conviction Collateral Relief

APPENDIX "D".....Civil Action no. 21-5474 January 2, 2024 Order (Overruling) Objections to the Report and Recommendation 28 U.S.C. 2254 Federal Habeas Corpus

APPENDIX "E".....24-1158 United states Court of Appeals for the Third Circuit Order Denying Certificate of Appealability

Appendix "F".....Civil Action 24-1158 Sur Petition For Re Hearin

NO. 24-1158

APPENDIX "A"

CONCISE STATEMENT OF MATTERS COMPLAINED OF  
ON APPEAL.....APPENDIX "A"

No. 24-1158

APPENDIX "D"

CIVIL ACTION No.21-5474 JANUARY 02, 2024 ORDER (OVERRULING)  
OBJECTION TO THE REPORT AND RECOMMENDATION 28 U.S.C. 2254  
WRIT OF HABEAS CORPUS.....APPENDIX "D"

APPENDIX "D"

No. ~~24-1158~~  
No. 24-1158

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

DONALD EVANS,

Petitioner,

v.

KEVIN RANSOME, et al.,

Respondents.

CIVIL ACTION  
NO. 21-5474

**ORDER**

AND NOW, this 2nd day of January 2024, upon consideration of Petitioner Donald Evans's pro se Petition under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody (Doc. No. 1), Magistrate Judge Elizabeth T. Hey's Report and Recommendation (Doc. No. 33) and Petitioner's Objections to the Report and Recommendation (Doc. No. 34), and in accordance with the Opinion issued this day, it is ORDERED as follows:

1. Petitioner's Objections to the Report and Recommendation (Doc. No. 34) are **OVERRULED**.
2. The Report and Recommendation (Doc. No. 33) is **APPROVED AND ADOPTED**.
3. Petitioner's pro se Petition under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody (Doc. No. 1) is **DISMISSED** with prejudice. A certificate of appealability will not issue in this case because Petitioner has failed to make a substantial showing of the denial of a constitutional right.
4. Petitioner is not entitled to an evidentiary hearing on his claims.

BY THE COURT:

/s/ Joel H. Slomsky

JOEL H. SLOMSKY, J.

DLD-180

**UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT**

C.A. No. **24-1158**

DONALD EVANS, Appellant

VS.

SUPERINTENDENT DALLAS SCI, ET AL.

(E.D. Pa. No. 2:21-cv-05474)

Present: JORDAN, PORTER, and PHIPPS, Circuit Judges

Submitted are:

- (1) Appellant's application for a certificate of appealability under 28 U.S.C. § 2253(c)(1); and
- (2) Appellant's motion to mark and incorporate newly-discovered evidence into the record via supplemental exhibit; and
- (3) Appellant's document dated June 1, 2024

in the above-captioned case.

Respectfully,

Clerk

**ORDER**

The application for a certificate of appealability is denied. Appellant has not made a substantial showing of the denial of a constitutional right. See 28 U.S.C. § 2253(c)(2). Primarily for the reasons given by the District Court, jurists of reason would not debate the District Court's conclusion that Appellant's claims are noncognizable, inexcusably procedurally defaulted, or without merit. See Miller-El v. Cockrell, 537 U.S. 322, 336 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000); Strickland v. Washington, 466 U.S. 668, 687-88 (1984). Appellant's motion to mark and incorporate newly-

discovered evidence into the record via supplemental exhibit is denied. Leaving aside any procedural obstacles to presenting new evidence in an appeal of the denial of a § 2254 petition, see, e.g., 28 U.S.C. § 2254 (e)(2)(B), the document on which Appellant relies is not exculpatory.

By the Court,

s/ Peter J. Phipps  
Circuit Judge

Dated: October 4, 2024  
Amr/cc: All counsel of record



A True Copy:

A handwritten signature in black ink that appears to read "Patricia S. Dodszuweit".

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

No. 24-1158

APPENDIX "F"

CIVIL ACTION 24-1158 SUR PETITION FOR  
RE HEARING..... APPENDIX "F"

NO. 24-1158  
APPENDIX "F"

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No. 24-1158

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DONALD EVANS,  
Appellant

v.

SUPERINTENDENT DALLAS SCI, ET AL.

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(E.D. Pa. No. 2:21-cv-05474)

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SUR PETITION FOR REHEARING

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

The petition for rehearing filed by **appellant** in the above-entitled 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

Appendix "F"

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/ Peter J. Phipps  
Circuit Judge

Date: December 6, 2024  
Amr/cc: All counsel of record

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