

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
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Appendix "F".....Civil Action 24-1158 Sur Petition For
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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. ~~21-1158~~

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 Evan'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:

Patricia A. Dodszeuweit

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

No. 24-1158

APPENDIX "F"

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

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 24-1158

DONALD EVANS,
Appellant

v.

SUPERINTENDENT DALLAS SCI, ET AL.

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

SUR PETITION FOR REHEARING

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

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.**