

ALD-357

September 21, 2017

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. **17-2518**

RANCOURT WOODSELL, Appellant

v.

SUPERINTENDENT GRATERFORD SCI;
ET AL.

(M.D. Pa. Civ. No. 14-cv-01764)

Present: MCKEE, JORDAN, and RESTREPO, Circuit Judges

Submitted is Appellant's document filed July 18, 2017, which may be treated as a request for a certificate of appealability pursuant to 28 U.S.C. § 2253(c) in the above-captioned case.

Respectfully,

Clerk

MMW/JLR/jw/mb

ORDER

Appellant's motion for a certificate of appealability is denied. The District Court ruled that Appellant's habeas petition was untimely filed. Appellant has not shown that jurists of reason would find the District Court's decision debatable. Slack v. McDaniel, 529 U.S. 473, 484 (2000). Appellant's judgment became final on May 1, 2006 and he had one year to timely file a habeas petition. 28 U.S.C. § 2244(d)(1). The District Court tolled the statute of limitations while Appellant's state post-conviction petition was pending, see 28 U.S.C. § 2244(d)(2), but he did not file his habeas petition until after the statute of limitations expired. Appellant has not shown that the limitations period should be equitably tolled, see Holland v. Florida, 560 U.S. 631, 649 (2010), or excused based on his actual innocence. See McQuiggin v. Perkins, 133 S. Ct. 1924, 1928 (2013).

By the Court,

s/ L. Felipe Restrepo
Circuit Judge

Dated: October 3, 2017
MB/cc: Rancourt Woodell
James L. McMonagle, Jr., Esq.



A True Copy

Marcia M. Waldron

Marcia M. Waldron, Clerk
Certified order issued in lieu of mandate.

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

RANCOURT WOODSELL,	:	
Petitioner,	:	3:14-cv-1764
	:	
v.	:	Hon. John E. Jones III
	:	
MIKE WENEROWICZ,	:	
PA STATE ATTORNEY	:	
GENERAL,	:	
Respondents.	:	

ORDER

June 26, 2017

NOW THEREFORE, upon consideration of the petition for writ of habeas corpus (Doc. 1), and in accordance with the Court's memorandum of the same date, it is hereby **ORDERED** that:

1. The petition for writ of habeas corpus (Doc. 1) pursuant to 28 U.S.C. § 2254 is DISMISSED as time-barred by the statute of limitations. *See* 28 U.S.C. § 2244(d).
2. There is no basis for the issuance of a certificate of appealability. *See* 28 U.S.C. § 2253(c).
3. The Clerk of Court is directed to CLOSE this case.

s/ John E. Jones III
John E. Jones III
United States District Judge

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RANCOURT WOODELL, Appellant

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SUPERINTENDENT GRATERFORD SCI;
ET AL.

(M.D. Pa. Civ. No. 3-14-cv-01764)

SUR PETITION FOR REHEARING

Present: SMITH, Chief Judge, McKEE, AMBRO, CHAGARES, JORDAN,
HARDIMAN, GREENAWAY, JR., VANASKIE, SHWARTZ, KRAUSE, and
RESTREPO, 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/ L. Felipe Restrepo
Circuit Judge

Dated: December 14, 2017
sb/cc: Rancourt Woodell
All Counsel of Record

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