

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-10640

MICAH LAMB,

Petitioner-Appellant,

versus

SECRETARY, DEPARTMENT OF CORRECTIONS,
FLORIDA ATTORNEY GENERAL,

Respondents-Appellees.

Appeal from the United States District Court
for the Middle District of Florida
D.C. Docket No. 3:09-cv-00042-TJC-PDB

ORDER:

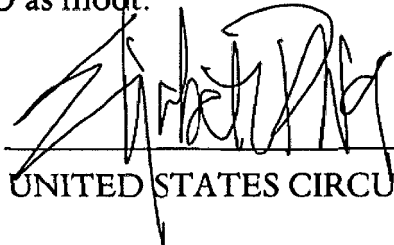
Micah Lamb moves for a certificate of appealability, leave to proceed *in forma pauperis*, judicial notice, appointment of counsel, and leave to exceed the page and word limit. To obtain a COA, Lamb must show that reasonable jurists would find debatable both (1) the merits of an underlying claim, and (2) the procedural issues that he seeks to raise. See 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*,

2

Order of the Court

25-10640

529 U.S. 473, 484 (2000). Lamb's motion for leave to exceed the page and word limit is GRANTED to the extent that the filing was considered. His motion for a certificate of appealability is DENIED because he failed to make the requisite showing. His remaining motions for *in forma pauperis* status, judicial notice, and appointment of counsel are DENIED as moot.



UNITED STATES CIRCUIT JUDGE

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

MICAH LAMB,

Petitioner,

v.

Case No. 3:09-cv-42-TJC-PDB

SEC'Y, FLA. DEPT OF CORR.,
et al.,

Respondents.

ORDER

On March 13, 2012, the Court denied Petitioner's Second Amended Petition (Doc. 34) for writ of habeas corpus and dismissed this case with prejudice. See Doc. 91. Judgment was entered to that effect on March 14, 2012. See Doc. 92. Petitioner appealed, and on July 27, 2012, the Eleventh Circuit denied Petitioner's motion for certificate of appealability. See Doc. 94. Subsequently, on February 19, 2013, the United States Supreme Court denied Petitioner's writ of certiorari. See Doc. 95.

Petitioner thereafter filed numerous motions for post-judgment relief (Docs. 99, 101, 103-08, 110, 113, 129, 132, 148), all of which the Court denied (Docs. 117, 139, 149). Petitioner also filed with the Eleventh Circuit four applications seeking authorization to file a second or successive habeas petition.

See In re: Micah Lamb, Nos. 16-16413; 17-11098; 17-15432; 19-10697. The Eleventh Circuit denied all of Petitioner's applications. In re: Micah Lamb, Nos. 16-16413 (Nov. 7, 2016); 17-11098 (Apr. 5, 2017); 17-15432 (Jan. 10, 2018); 19-10697 (March 26, 2019).

Petitioner has now filed with this Court another post-judgment motion under Federal Rule of Civil Procedure 60(b) (Doc. 159); an application to proceed in forma pauperis (Doc. 160); and a motion to exceed the page limit (Doc. 161). Upon consideration of the pending motions, as well as a review of the file and Petitioner's prior applications with the Eleventh Circuit, it is

ORDERED:

1. Petitioner's request to exceed the page limit (Doc. 161) is **GRANTED to the extent** that Petitioner's Rule 60(b) motion (Doc. 159) is accepted as filed.

2. As to Petitioner's request for relief from judgment under Rule 60(b) (Doc. 159), "[a] motion under Rule 60(b) must be made within a reasonable time – and for reasons (1) [mistake or excusable neglect], (2) [newly discovered evidence], and (3) [fraud or misconduct by an opposing party] no more than a year after the entry of the judgment[.]" Fed. R. Civ. P. 60(b)(1)-(3), (c)(1). As noted above, judgment was entered in this case on March 14, 2012, the Eleventh Circuit denied Petitioner's motion for a certificate of appealability on July 27,

2012, and the Supreme Court denied his writ of certiorari on February 19, 2013. Thus, the Court finds that Petitioner's request for relief under Rule 60(b) was not filed within a reasonable time and/or within one year of the entry of judgment. Therefore, his request (Doc. 159) is **DENIED**.

3. To the extent Petitioner seeks to file a second successive federal habeas petition raising new claims, this Court has no authority to consider the claims raised by Petitioner without prior authorization from the Eleventh Circuit. See 28 U.S.C. § 2244(b)(3)(A) ("Before a second or successive application permitted by this section is filed in the district court, the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application."); see also *Insignares v. Sec'y, Fla. Dep't of Corr.*, 755 F.3d 1273, 1278 (11th Cir. 2014) (finding that "[s]ubject to [certain] exceptions[,] . . . a district judge lacks jurisdiction to decide a second or successive petition filed without [the Eleventh Circuit's] authorization").¹

4. The **Clerk** shall send Petitioner an Application for Leave to File a

¹ Petitioner's arguments in support of his request for relief from judgment are essentially a rehashing of the same arguments already addressed by the Court in denying the Second Amended Petition. See Doc. 91. Further, to the extent Petitioner is raising new claims, the majority of those new claims were presented to the Eleventh Circuit in Petitioner's 2019 application to file a second or successive habeas petition, which the Eleventh Circuit denied. See In re: Micah Lamb, No. 19-10697.

Second or Successive Habeas Corpus Petition. If he desires to file a second or successive habeas petition in this Court, he must complete the application and file it in the Eleventh Circuit Court of Appeals which will decide whether to allow it.

5. If Petitioner appeals the denial of his post-judgment request for relief, the Court denies a certificate of appealability.² Because this Court has determined that a certificate of appealability is not warranted, the Clerk shall terminate from the pending motions report any motion to proceed on appeal as a pauper that may be filed in this case. Such termination shall serve as a denial of the motion.

DONE AND ORDERED at Jacksonville, Florida, this 5th day of February, 2025.



Timothy J. Corrigan
TIMOTHY J. CORRIGAN
Senior United States District Judge

² This Court should issue a certificate of appealability only if the Petitioner makes "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). To make this substantial showing, Petitioner "must demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong," Tennard v. Dretke, 542 U.S. 274, 282 (2004) (quoting Slack v. McDaniel, 529 U.S. 473, 484 (2000)), or that "the issues presented were 'adequate to deserve encouragement to proceed further.'" Miller-El v. Cockrell, 537 U.S. 322, 335-36 (2003) (quoting Barefoot v. Estelle, 463 U.S. 880, 893 n.4 (1983)). Here, after consideration of the record as a whole, the Court will deny a certificate of appealability.

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c: Micah Lamb, #J23663
Counsel of Record

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Before BRANCH and LUCK, Circuit Judges.

BY THE COURT:

Micah Lamb, a Florida prisoner, sought a certificate of appealability (“COA”), leave to proceed in forma pauperis (“IFP”), judicial notice, leave to exceed the word and page limit, and appointment of counsel to appeal the district court’s denial of his Fed. R. Civ. P. 60(b) motion as untimely and raising impermissibly

successive habeas corpus claims. He now moves this Court to reconsider its October 29, 2025, order granting his motion to exceed the word and page limit to the extent that his filing was considered, denying a COA, and denying the remaining motions as moot.

After careful review, Lamb's motion for reconsideration is GRANTED to the extent that this Court's order must be corrected. To the extent that the district court denied Lamb's Rule 60(b) motion as successive, he was not required to seek a COA. *See Hubbard v. Campbell*, 379 F.3d 1245, 1247 (11th Cir. 2004). However, he nonetheless does not have any meritorious arguments to challenge the denial of his Rule 60(b) motion. *See Bilal v. Driver*, 251 F.3d 1346, 1349 (11th Cir. 2001).

Accordingly, upon reconsideration, Lamb's COA motion is DENIED, in part, as unnecessary, and DENIED, in part, his IFP motion is DENIED, and the remaining motions are DENIED as moot.

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