

CLD-181

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. **25-1605**

JAMES W. VANDIVNER, JR., Appellant

VS.

SECRETARY PENNSYLVANIA
DEPARTMENT OF CORRECTIONS; ET AL.

(W.D. Pa. Civ. No. 2:20-cv-00433)

Present: KRAUSE, PHIPPS, and SCIRICA , Circuit Judges

Submitted is appellant's request for a certificate of appealability under 28 U.S.C. § 2253(c)(1),

in the above-captioned case.

Respectfully,

Clerk

ORDER

Appellant's request for a certificate of appealability is denied. See 28 U.S.C. § 2253(c)(2); Miller-El v. Cockrell, 537 U.S. 322, 336 (2003). Appellant seeks a certificate only on his claim under Brady v. Maryland, 373 U.S. 83 (1963), that his prosecutor suppressed evidence. Jurists of reason would not debate the District Court's denial of that claim on the merits. To the extent that this claim implicates other claims that appellant asserted before the District Court, jurists of reason would not debate the court's denial of those claims on the merits either. We make these determinations primarily for the reasons thoroughly explained by the District Court. Among other things, and as jurists of reason would agree without debate, appellant did not show that, even if all of the evidence on which he relies had been introduced at trial, there is a reasonable likelihood that the jury would have found him guilty of anything less than first-degree murder.

By the Court,

s/Anthony J. Scirica
Circuit Judge



A True Copy:

Patricia S. Dodszeit

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

Dated: August 14, 2025
Gch/cc: All Counsel of Record