

Petitioner's Appendix

S.D.N.Y. – N.Y.C.
16-cv-3511
Buchwald, J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 25th day of June, two thousand twenty-six.

Present:

Guido Calabresi,
Gerard E. Lynch,
Richard J. Sullivan,
Circuit Judges.

Ramon Aponte,

Petitioner-Appellant,

v.

23-6694

United States of America,

Respondent-Appellee.

Appellant moves for a certificate of appealability. Upon due consideration, it is hereby ORDERED that the motion is DENIED and the appeal is DISMISSED because Appellant has not “made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c); *see Miller-El v. Cockrell*, 537 U.S. 322, 327 (2003).

This denial is without prejudice to the filing of a petition for rehearing en banc and/or a certiorari petition. *See Hohn v. United States*, 524 U.S. 236, 241 (1998) (holding that the Supreme Court has jurisdiction, on a petition for writ of certiorari, to review the denial of a certificate of appealability).

FOR THE COURT:
Catherine O’Hagan Wolfe, Clerk of Court

A circular official seal of the United States Court of Appeals for the Second Circuit is placed over the signature. The seal contains the text "UNITED STATES", "SECOND CIRCUIT", and "COURT OF APPEALS" around a central star.

Pet. App. 1a