APPENDIX A

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

In re: Richard Balter, Petitioner

No. 26-1516

ORDER

PER CURIAM

The foregoing application for permission to file a second or successive § 2255 motion is denied. Balter has failed to make a prima facie showing that: (1) any proposed claim relies on a retroactively applicable "new rule" of constitutional law; or (2) the factual predicate for his proposed claims could not have been discovered previously through the exercise of due diligence and the facts underlying such claims, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that, but for constitutional error, no reasonable factfinder would have found him guilty of the underlying offense. See 28 U.S.C. §§2244(b) and 2255(h).

By the Court,

s/ Paul B. Matey
Circuit Judge

*AMENDED BLD-113

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. 26-1516

IN RE: RICHARD BALTER, Petitioner

Present: KRAUSE, MATEY, and BOVE, *Circuit Judges*

Submitted are:

(1) Petitioner's application pursuant to 28 U.S.C. § 2244 and 28 U.S.C. § 2255(h) to file a second or successive motion under 28 U.S.C. § 2255;

(2) Petitioner's motion to be relieved of the filing requirements of 3d Cir. L.A.R. 22.5;

(3) Respondent's response to Petitioner's application to file a second or successive 28 U.S.C. § 2255 motion;

***(4) Petitioner's motion for leave to file his reply out of time which includes Petitioner's reply to the Respondent's response; and**

***(5) Respondent's supplemental response to Petitioner's application to file a second or successive 28 U.S.C. § 2255 motion**

in the above-captioned case.

Respectfully,

Clerk

ORDER

The foregoing application for permission to file a second or successive § 2255 motion is denied. Balter has failed to make a prima facie showing that: (1) any proposed claim relies on a retroactively applicable "new rule" of constitutional law; or (2) the factual predicate for his proposed claims could not have been discovered previously through the

APPENDIX A

exercise of due diligence and the facts underlying such claims, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that, but for constitutional error, no reasonable factfinder would have found him guilty of the underlying offense. *See* 28 U.S.C. §§ 2244(b) and 2255(h). Balter's motions to be relieved from the filing requirements of 3d Cir. L.A.R. 22.5 and to file a reply out of time are granted.

By the Court,

s/ Paul B. Matey
Circuit Judge

Dated: June 1, 2026
Gch/cc: Richard Balter
All Counsel of Record



A True Copy:

Patricia A. Dodszuweit

Patricia S. Dodszuweit, Clerk

APPENDIX C

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

In re: Richard Balter, Petitioner

No. 26-1516

ORDER

June 25, 2026

Before: KRAUSE, MATEY, and BOVE, Circuit Judges

PER CURIAM.

Petitioner's petition for rehearing en banc is DENIED.

BY THE COURT:

/s/ Paul B. Matey

Paul B. Matey
Circuit Judge

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 26-1516

In re: RICHARD BALTER,
Petitioner

On Appeal from the United States District Court
for the District of New Jersey

PETITION FOR REHEARING

BEFORE: CHAGARES, *Chief Judge,* HARDIMAN, KRAUSE, RESTREPO, BIBAS, PORTER, MATEY, PHIPPS, FREEMAN, MONTGOMERY-REEVES, CHUNG, BOVE, MASCOTT, *Circuit Judges*

The petition for rehearing filed by petitioner Richard Balter in the above-captioned matter has been submitted to the judges who participated in the decision of this Court and to all other available circuit judges of the Court in regular active service. No judge who concurred in the decision asked for rehearing, and a majority of the circuit judges of the Court in regular active service who are not disqualified did not vote for rehearing by the Court en banc. It is now hereby **ORDERED** that the petition is **DENIED**.

BY THE COURT

s/ Paul B. Matey
Circuit Judge

Dated: June 25, 2026
Gch/cc: Richard Balter
All Counsel of Record

APPENDIX C

APPENDIX D

RELEVANT PROVISIONS OF 28 U.S.C. §2255(h)

§2255. Federal custody; remedies on motion attacking sentence

(h) A second or successive motion must be certified as provided in section 2244 by a panel of the appropriate court of appeals to contain--

(1) newly discovered evidence that, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that no reasonable factfinder would have found the movant guilty of the offense; or

(2) a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable.

APPENDIX E

RELEVANT EXCERPT FROM FORMER ATTORNEY PAM BONDI'S STATEMENT CONCERNING "ROGUE JUDGES"

February 7, 2025

Press Conference Regarding the Habba Appointment Dispute

"This Department of Justice does not tolerate rogue judges."

Source: Statement directed at Chief Judge Bumb and the District of New Jersey for refusing to extend the interim appointment of U.S. Attorney Alina Habba. The remark is a matter of public record and underscores the official recognition of the judicial misconduct at issue in this case.

EXHIBIT INDEX -- #1

Exhibit A	Gil's Affidavit January 9, 1997 filed
Exibit A-1	Letter to Investigator Cichettit from Gil, October 21-22, 1996 and
Exibit A-1	Letter to Postal Inspector Krut from Gil, October 26, 1996
Exibit A-2	Letter from Judge Simandle to AUSA Guadagno, November 6, 1996
Exhibit A-3	Gil's 28 U.S.C. § 2255 Motion, filed January 9, 1997
Exhibit A-4	Gil's Traverse, February 28, 1997
Exhibit B	Search Warrant for One File Folder and One Insurance Policy, 4-29
Exhibit C	Guaranatees for Bob Cohen's Uneeda Debt
Exhibit C-1	Letter to Mr. Liederman from Petitioner, April 13, 1992
Exhibit C-2	Letter to Bob Cohen from Petitioner, December 30, 1992
Exhibit C-3	Letter to Bob Cohen from Petitioner, January 8, 1993
Exhibit C-4	Letter to Bob Cohen from Petitioner, January 13, 1993
Exhibit C-5	Letter to Bob Cohen from Petitioner, January 18, 1993
Exhibit C-6	Letter of Explanation for Frustration with Bank by Petitioner
Exhibit C-7	Judgement against Uneeda in Favor of Petitioner
Exhibit D	Renee Tellier's Affidavit
Exhibit D-1	Bureau of Prison's Negligence Judgement in Petitioner's Favor
Exhibit E	Letter to Bob Cohen from Petitioner of Plan to Inject Dollars, 1-13-93
Exhibit E-1	Declaration of Chase Bank, Rep. Jara Henry, Confirming $1.4M, 3-20-2018
Exhibit F	Testimony of Sherryll Post-Penny Stating Cutler and Gil Planned Killing
Exhibit G	AUSA Renee Bumb Summation
Exhibit H	Jose Cruz Affidavit
Exhibit I	Preamble and Post-amble for June 1993 Tape Made by Gil

EXHIBIT INDEX -- #2

Exhibit J	Property Slips for Legal Papers (19 inches 1-18-2010 -- 2 inches 2-11-2010)
Exhibit K	Cancelled Bob Cohen Checks for $2,500 Monthly Payments
Exhibit L	Letter to Bob Cohen Concerning Mortgage on His House, December 30, 1992
Exhibit M	Letter to Renee Bumb Dated Feb. 15, 1995
Exhibit N	Letter to Renee Bumb Dated Dec. 12, 1995
Exhibit O	Letter to AUSA Renee Bumb, April 18, 1996
Exhibit P	Letter to AUSA Guadagno, May 21, 1997
Exhibit Q	Letter to AUSA Renee Bumb, May 27, 1997
Exhibit R	Letter to Petitioner from AUSA Renee Bumb, June 9, 1997
Exhibit S	Letter to AUSA Guadagno, October 9, 1997
Exhibit T	Letter to AUSA Renee Bumb, May 25, 1998
Exhibit U	Letter to AUSA Renee Bumb (FOIA), December 2, 1998
Exhibit V	Letter to AUSA Guadagno, October 20, 2000
Exhibit W	Letter to AUSA Renee Bumb about FOIA and Stone-Walling, April 4, 2001
Exhibit X	Letter to AUSA Renee Bumb, January 23, 2003
Exhibit Y	Letter to AUSA Renee Bumb, August 3, 2005
Exhibit Z	Letter from AUSA Renee Bumb to Judge Simandle, October 6, 2005
Exhibit Z-1	E-Mail to AUSA Renee Bumb from J. R. McClusky, September 27, 2005
Exhibit Z-2	Letter to Petitioner from Judge Simandle, June 19, 2006
Exhibit Z-3	Letter to Court from AUSA Norman Gross, February 26, 2007
Exhibit Z-4	Declaration of Jeffrey DeFuria, July 8, 2008
Exhibit Z-5	Certified Slips of Boxes Received, February 26, 2007
Exhibit Z-6	Declaration of IRS Special Agent James Glynn, January 21, 2009

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