

CLD-132

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. 23-1292

JEREMIAH LYLE VANTASSEL, Appellant

VS.

SUPERINTENDENT ALBION SCI, et al.
(W.D. Pa. Civ. No. 1:21-cv-00172)

Present: SHWARTZ, MATEY, and FREEMAN, Circuit Judges

Submitted is Appellant's notice of appeal, which we have construed as a motion for a certificate of appealability in the above-captioned case.

Respectfully,

Clerk
ORDER

The request for a certificate of appealability is denied. *See Slack v. McDaniel*, 529 U.S. 473, 478 (2000). For substantially the reasons stated by the District Court, VanTassel has failed to show that jurists of reason would debate that his 28 U.S.C. § 2254 petition was untimely filed. *See* 28 U.S.C. § 2244(d)(1)–(2). VanTassel has not shown that he qualifies for equitable tolling, *see Holland v. Florida*, 560 U.S. 631, 649 (2010), or relief under the innocence exception to the statute of limitations, *see McQuiggin v. Perkins*, 569 U.S. 383, 386 (2013).

By the Court,

s/ Paul B. Matey
Circuit Judge

Dated: May 9, 2023

CND/cc: Jeremiah Lyle Vantassel
All Counsel of Record



A True Copy:

Patricia S. Dodszeit

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