

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 20-11271-P

KEITH EDMUND GAVIN,

Petitioner - Appellee Cross -Appellant,

versus

COMMISSIONER, ALABAMA DEPARTMENT OF CORRECTIONS,

Respondent - Appellant Cross Appellee.

Appeal from the United States District Court
for the Northern District of Alabama

Before: JORDAN, BRANCH, and LUCK, Circuit Judges.

BY THE COURT:

Appellee Cross-Appellant's motion for reconsideration of the October 23, 2020 order is
DENIED.

JORDAN, Circuit Judge, dissenting.

Based upon the standard articulated by the Supreme Court in cases like *Buck v. Davis*, 137 S. Ct. 759, 773-75 (2017), I would grant Mr. Gavin's motion for reconsideration, and issue a COA on whether trial counsel rendered ineffective assistance during the guilt phase.