

IN THE UNITED STATES DISTRICT COURT FOR THE **FILED**
SOUTHERN DISTRICT OF GEORGIA **U.S. DISTRICT COURT**
AUGUSTA DIV.

2017 APR 19 P 12:38

UNITED STATES OF AMERICA

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v.

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CV 116-006 CLERK *J. Burton*
(underlying CR SD06IS028) GA.

*

JEREMIAH LANE

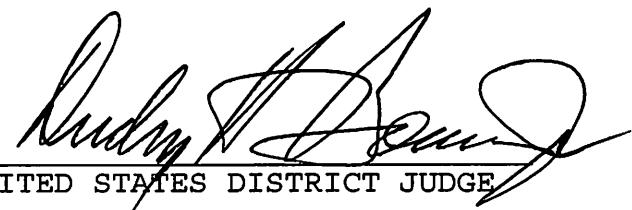
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O R D E R

In January 2016, Defendant Jeremiah Lane filed a motion to vacate, set aside or correct his federal sentence pursuant to 28 U.S.C. § 2255. The motion was determined to be untimely under AEDPA and dismissed on April 18, 2016. The Eleventh Circuit then denied Defendant's motion for certificate of appealability in the case on September 21, 2016. Yet, Defendant persists in vexing the court system with frivolous motions for reconsideration and appeals in this and in his underlying criminal case. It has been one year since judgment was entered, and Defendant has yet another appeal pending in the case, which was occasioned by the Eleventh Circuit's grant of partial relief to Defendant in mandating that this Court file a notice of appeal, no matter how frivolous or vexatious the litigant was determined to be. Presently, the Eleventh Circuit wishes this Court to state its opinion on whether Defendant is entitled to a Certificate of Appealability in the case.

Defendant has appealed this Court's denial of his motion for reconsideration filed after the Eleventh Circuit denied a Certificate of Appealability. As stated in that Order, the motion is "frivolous and a waste of judicial resources." (Doc. No. 22.) Because of its frivolity, Defendant has failed to make a substantial showing of the denial of a constitutional right. Therefore, this Court will not issue a Certificate of Appealability in the case. See 28 U.S.C. § 2253(c)(1)(B).

ORDER ENTERED at Augusta, Georgia, this 19th day of April, 2017.



UNITED STATES DISTRICT JUDGE