

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

NAJAM AZMAT,)	
)	
Petitioner,)	
)	
v.)	CASE NOS. CV417-086
)	CR413-028
UNITED STATES OF AMERICA,)	
)	
Respondent.)	
_____)	

O R D E R

On November 18, 2020, the Eleventh Circuit notified this Court that it must issue or deny a Certificate of Appealability so that Petitioner may appeal this Court’s denial of his Rule 60 Motion. (Doc. 110 at 1.)¹ Pursuant to 28 U.S.C. § 2253(c), an appeal may not be taken in this matter unless the Court issues a Certificate of Appealability. This certificate may issue only if Petitioner has made a substantial showing of the denial of a constitutional right. Slack v. McDaniel, 529 U.S. 473, 484, 120 S. Ct. 1595, 1603, 146 L. Ed. 2d 542 (2000). After careful consideration, the Court finds that Petitioner cannot meet the above standard. The arguments raised in Petitioner’s Rule 60 motion (Doc. 102) and Reply (Doc. 105) have been thoroughly reviewed by this Court and are meritless.

¹ Unless otherwise stated, all citations are to Petitioner’s civil docket on this Court’s electronic filing system, CV417-086.

Accordingly, Petitioner is not entitled to a Certificate of Appealability.²

SO ORDERED this 7th day of January 2021.



WILLIAM T. MOORE, JR.
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA

² The Court notes that if Petitioner intends to continue his appeal of the Court's order denying his Rule 60(b) motion, the Court will be divested of jurisdiction over his subsequent Motion for Reconsideration (Doc. 112). See Griggs v. Provident Consumer Disc. Co., 459 U.S. 56, 58, 103 S. Ct. 400, 402, 74 L. Ed. 2d 225 (1982) ("The filing of a notice of appeal is an event of jurisdictional significance—it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal."); Thompson v. RelationServe Media, Inc., 610 F.3d 628, 638 n. 14 (11th Cir. 2010).