

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOHN MOORE,

Petitioner,

v.

DAVID DIGUGLIELMO, et al.,

Respondents.

CIVIL ACTION

No. 05-2796

ORDER

AND NOW, this 18th day of May, 2010, for the reasons enumerated in the accompanying Memorandum, it is hereby **ORDERED** as follows:

(1) Petitioner's Motion for Reconsideration (Docket No. 51) is **GRANTED IN PART AND DENIED IN PART**. Specifically, the motion is granted to the extent that it seeks reconsideration of the factual conclusion that petition did not present to the PCRA court his claim that trial counsel was ineffective for not investigating for not investigating or calling Lapricia Jessup as a witness, and this court's Order dated March 27, 2009 (Docket No. 50) is **VACATED IN PART** to the extent that it adopts that factual conclusion. The motion for reconsideration is otherwise denied;

(2) Petitioner's Motion to Appeal In Forma Pauperis (Docket No. 52) is **DENIED WITHOUT PREJUDICE**. In refiling the Motion, petitioner must comply with Federal

Rule of Appellate Procedure 24(a)(1);

(3) Petitioner's Motion for the Court to Take Judicial Notice (Docket No. 55) is

DENIED AS MOOT;

(4) The Clerk is directed to forward petitioner's two Motions for a Certificate of Appealability (Docket Nos. 56 and 57) to the United States Court of Appeals for the Third Circuit;

(5) Petitioner's Motion for Clarification (Docket No. 61) is **GRANTED;**

(6) Petitioner's Motion for Leave of Court to File Amendment (Docket No. 62) is **DISMISSED;** and

(7) Petitioner's Motion to Compel the State to Present Discovery Documents (Docket No. 66) is **DENIED.**

BY THE COURT:

/s/Louis H. Pollak
Pollak, J.