

ELD-50

September 11, 2007

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. 07-2495

JOSEPH MICHAEL STROHL

v.

JAMES L. GRACE, WARDEN - SCI HUNTINGDON; et al

(E.D. Pa. Civ. No. 06-CV-02708)

Present: MCKEE, FUENTES AND WEIS, CIRCUIT JUDGES

Submitted is Appellant's notice of appeal, which may be construed as a request for a certificate of appealability under 28 U.S.C. § 2253(c)(1);

in the above-captioned case.

Respectfully,

Clerk

MMW/CAD/isc

AMENDED ORDER

A certificate of appealability is granted on the following issues: (1) whether the prosecution suppressed exculpatory evidence; *i.e.*, certain of the victim's hospital reports; in violation of Brady v. Maryland, 373 U.S. 83 (1963); and (2) whether Appellant was denied Due Process because of the delay in his criminal prosecution, including failure to explore the cause of death of the victim. A certificate of appealability is denied as to the remaining claims, including Appellant's Brady claim regarding the police report. It is noted that the appellate fees are outstanding in this case. In order for the appeal to proceed, Appellant must either pay the \$455.00 fee or apply to proceed in forma pauperis (IFP) within 14 days of the date of this order. If Appellant wishes to have counsel appointed at Court expense under I.O.P.10.3.2., an IFP application must be filed. The Clerk shall send the necessary forms with this order.

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Marcia M. Waldron

Marcia M. Waldron, Clerk

By the Court,

/s/ Julio M. Fuentes
Circuit Judge

Dated: October 12, 2007
ISC/cc: Joseph M. Strohl
Robert Eyer, Esq.