

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

PHILIP SCHULTZ,
Petitioner,

v.

MICHAEL WENEROWICZ, et al.,
Respondents.

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CIVIL ACTION NO. 13-CV-177

ORDER

AND NOW, this 8th day of October 2021, in consideration of Petitioner Philip Schultz's Motion for Relief from Judgment Under Fed. R. Civ. P. 60(b) (ECF No. 48), it is **ORDERED** that:

1. The Motion is **DISMISSED** for lack of subject matter jurisdiction without prejudice to Schultz's right to file with the United States Court of Appeals for the Third Circuit an application to file a second or successive habeas petition. *See* 28 U.S.C. § 2244(b)(3)(A).
2. A Certificate of Appealability is **DENIED** pursuant to 28 U.S.C. § 2253(c) because reasonable jurists would not debate the propriety of this Court's procedural ruling with respect to these claims. *See Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

BY THE COURT:

s/ANITA B. BRODY, J.
ANITA B. BRODY, J.