

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

**OMAR PAYNE,**  
**Petitioner,**

**v.**

**TABB BICKELL, et al.,**  
**Respondents.**

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**CIVIL ACTION NO. 14-CV-2198**

**ORDER**

**AND NOW**, this 5<sup>th</sup> day of **May, 2022**, in consideration of Petitioner Omar Payne’s Motion for Relief from Judgment Under Fed. R. Civ. P. 60(b) (ECF No. 49), it is **ORDERED** that:

1. The Motion is **DISMISSED** for lack of subject matter jurisdiction without prejudice to Payne’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/ Eduardo C. Robreno*  
**EDUARDO C. ROBRENO, J.**