Walker v. Piazza, et al Doc. 88

## IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MICHAEL WALKER, No. 3:06-CV-01224

Petitioner, (Chief Judge Brann)

v.

JOSEPH PIAZZA,

Respondent.

## **ORDER**

**AND NOW**, this 22<sup>nd</sup> day of August 2023, in accordance with the accompanying Memorandum, **IT IS HEREBY ORDERED** that:

- 1. Petitioner Michael Walker's motion (Doc. 83) for relief under Federal Rule of Civil Procedure 60(b)(6) is **DISMISSED** for lack of jurisdiction because it is a second or successive petition for a writ of habeas corpus under 28 U.S.C. § 2254 filed without authorization from the United States Court of Appeals for the Third Circuit.
- 2. A certificate of appealability shall not issue, as Walker has not made a substantial showing of the denial of a constitutional right, see 28 U.S.C. § 2253(c)(2), or that "jurists of reason would find it debatable" whether this Court's procedural ruling is correct, *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).
- 3. Walker's motion for substitution of parties (Doc. 84) and motion for leave to proceed *in forma pauperis* (Doc. 86) are **DISMISSED** as moot in light of paragraph 1 above.

BY THE COURT:

<u>s/Matthew W. Brann</u>Matthew W. BrannChief United States District Judge