

ELD-001

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. **21-1027**

LONDELL BOND, Appellant

VS.

SUPERINTENDENT DALLAS SCI, et al.

(E.D. Pa. Civ. No. 2:13-cv-01553)

Present: MCKEE, GREENAWAY, Jr., and BIBAS, Circuit Judges

Submitted are:

(1) By the Clerk for possible dismissal for lack of jurisdiction; and

(2) Appellant's request for a certificate of appealability under 28 U.S.C. § 2253(c)(1)

in the above-captioned case.

Respectfully,

Clerk

ORDER

In light of the District Court's order granting Bond's motion for extension of time to appeal under Fed. R. App. P. 4(a)(5), we decline to dismiss the appeal for lack of jurisdiction. We issue a certificate of appealability (COA) for Bond's claim that trial counsel was ineffective for failing to object to witness Larry Lane's multiple references to "mug shots" making up the photo array from which he identified Bond. See Commonwealth v. Reiss, 468 A.2d 451, 453 (Pa. 1983); Commonwealth v. Cambridge, 563 A.2d 515, 517 (Pa. Super. Ct. 1989). We decline to issue a COA for Bond's remaining claims because jurists of reason would not debate their resolution by the District Court. See Miller-El v. Cockrell, 537 U.S. 322, 327 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000).

By the Court,

s/ Theodore A. McKee
Circuit Judge

Dated: May 24, 2022

NMB/cc: Mr. Londell Bond
Federal Community Defender
Laura Zipin, Esq.