

CLD-069

**UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT**

C.A. No. **24-2961**

PAUL K. LACOMBE, Appellant

VS.

WARDEN JAMES T VAUGHN CORRECTIONAL CENTER; ATTORNEY  
GENERAL DELAWARE

(D. Del. No. 1:21-cv-00807)

Present: KRAUSE, PHIPPS, and SCIRICA, Circuit Judges

Submitted are:

- (1) By the Clerk for possible dismissal due to a jurisdictional defect; and
- (2) Appellant's notice of appeal, which contains a request for a certificate of appealability under 28 U.S.C. § 2253(c)(1),

in the above-captioned case.

Respectfully,

Clerk

ORDER

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Appellant's request for a certificate of appealability is denied. See 28 U.S.C. § 2253(c). Jurists of reason would agree, without debate, that Appellant's habeas petition was properly dismissed by the District Court as untimely, for essentially the reasons set forth in the District Court's opinion. See Slack v. McDaniel, 529 U.S. 473, 484 (2000); cf. Holland v. Florida, 560 U.S. 631, 649 (2010).

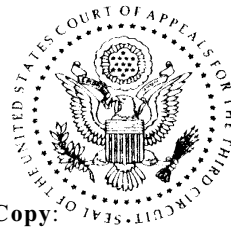
Because the certificate of appealability requirement is jurisdictional, see Gonzalez v. Thaler, 565 U.S. 134, 142 (2012), we do not need to consider the additional

jurisdictional issue of whether the appeal was timely filed. See Ruhrgas AG v. Marathon Oil Co., 526 U.S. 574, 584 (1999).

By the Court,

s/ Peter J. Phipps  
Circuit Judge

Dated: February 21, 2025  
JK/cc: Paul K. Lacombe  
All Counsel of Record



A True Copy:

*Patricia S. Dodszeuweit*

Patricia S. Dodszeuweit, Clerk  
Certified Order Issued in Lieu of Mandate