

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

**UNITED STATES OF AMERICA**

**CRIMINAL ACTION**

**VERSUS**

**NO: 09-123**

**DAVID SAMUELS**

**SECTION: "S" (3)**

**ORDER AND REASONS**

Before the court is the **Petition for Certificate of Appealability** (Rec. Doc. 556) filed by defendant, David Samuels.

On May 18, 2021, this court denied defendant's Motion to Recall Mandate and Correct Injustice. Rec. Doc. 553. Contemporaneously, the court denied a Certificate of Appealability. Rec. Doc. 554. Subsequently, defendant filed a Notice of Appeal. Rec. Doc. 555. On the same day, he filed the instant Petition for Certificate of Appealability.

The court has previously denied the requested relief, finding that defendant's motion constitutes a successive § 2255 petition over which it lacks jurisdiction. That remains the case, and accordingly,

**IT IS ORDERED** that defendant's **Petition for Certificate of Appealability** (Rec. Doc. 556) is **DENIED**.

New Orleans, Louisiana, this 17<sup>th</sup> day of June, 2021.

  
MARY ANN VIAL LEMMON  
UNITED STATES DISTRICT JUDGE