

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

ANTHONY DECIANTIS,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 20-004 WES
)	
PATRICIA COYNE-FAGUE,)	
)	
Defendant.)	

ORDER

Anthony DeCiantis filed a Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2254, ECF No. 1, challenging two state court convictions. This court denied and dismissed the petition on June 18, 2020. See Mem. and Order, ECF No. 10. With regards to the conviction in case P1-1983-0418A, the Court determined that the petition was barred as a second or successive petition lacking authorization from the Court of Appeals. Id. at 3-4 & n.1 (citing 28 U.S.C. § 2244(3)(A)). As to his conviction in case PI-1983-0024C, the Court concluded that the petition was time-barred. Id. at 4-5 (citing 28 U.S.C. § 2244(d)(1)). The Court subsequently denied DeCiantis's Motion for a Certificate of Appealability, ECF No. 15:

Pursuant to Rule 11(a) of the Rules Governing Section 2254 Cases in the United States District Courts, this

Court hereby finds that this case is not appropriate for the issuance of a certificate of appealability because DeCiantis has failed to make a substantial showing of the denial of a constitutional right as to any claim, as required by 28 U.S.C. § 2253(c)(2). In addition, DeCiantis has not demonstrated that "jurists of reason would find it debatable whether the district court was correct in its procedural ruling." Slack v. McDaniel, 529 U.S. 473, 484 (2000).

July 24, 2020 Order, ECF No. 16 (emphasis in original).

In his attempt to appeal the dismissal of his Petition, DeCiantis filed with this Court three Motions for Leave to Appeal in forma pauperis, ECF Nos. 19, 20, and 21. See Fed. R. App. P. 24(a) (requiring "a party to a district-court action who desires to appeal in forma pauperis [to] file a motion in the district court[,] unless the party "was [previously] permitted to proceed in forma pauperis in the district-court action"). On December 1, 2020, Magistrate Judge Lincoln D. Almond issued a Report and Recommendation, ECF No. 22, recommending that this Court deny the Motions for Leave to Appeal in forma pauperis because the appeal is groundless and therefore not taken in good faith. See R. & R. 1 (citing 28 U.S.C. § 1915(a)(3) and Lyons v. Wall, No. 04-380, 2007 WL 2067661 at *1 (D.R.I. July 13, 2007)).

After having carefully reviewed the relevant papers, and having heard no objections, the Court ACCEPTS the report and

ADOPTS the recommendations and reasoning set forth therein.
Accordingly, the three Motions for Leave to Appeal in forma
pauperis, ECF Nos. 19, 20, and 21, are DENIED.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "WESMITH".

William E. Smith
District Judge
Date: January 8, 2021