

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

JOSHUA LEE DAY,

Petitioner,

v.

Case No. 8:22-cv-1576-WFJ-AAS

SECRETARY, DEPARTMENT
OF CORRECTIONS,

Respondent.

_____ /

ORDER

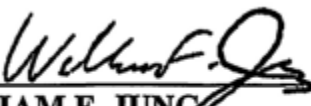
Before the Court are Mr. Day's Motion for Certificate of Appealability and/or Reconsideration (Doc. 22), Motion for Need of Confirmation (Doc. 24), construed motion for a certificate of appealability (Doc. 26), and Motion for Extension of Time to File a Leave to Appeal [sic] Forma Pauperis [sic] (Doc. 29). Upon consideration, it is ORDERED that:

1. The Motion for Certificate of Appealability and/or Reconsideration (Doc. 22) and the construed motion for a certificate of appealability (Doc. 26) are **DENIED**. The Court sees no basis to reconsider its order denying Mr. Day's motion to expand the record (See Doc. 21). And a certificate of appealability is not warranted because the order denying the motion to expand the record is neither a final order nor an appealable interlocutory or collateral order. *See Halcy v. Lumpkin*, 2023 WL 4351242, at *1 (5th Cir. July 5, 2023).

2. The Motion for Need of Confirmation (Doc. 24) is **DENIED**. The Court will not give Mr. Day legal advice as to how he should proceed with his motions or appeals.

3. The Motion for Extension of Time to File a Leave to Appeal [sic] Forma Pauperis [sic] (Doc. 29) is **GRANTED**. Mr. Day must file any motion to proceed on appeal *in forma pauperis* by September 20, 2024.

ORDERED in Tampa, Florida, on August 23, 2024.



WILLIAM F. JUNG
UNITED STATES DISTRICT JUDGE

cc: Joshua Lee Day, *pro se*
Counsel of Record