

ALD-139

February 23, 2017

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. 17-1291

IN RE: CHARLES J. GOLDBLUM, Petitioner

Present: MCKEE, JORDAN and RESTREPO, Circuit Judges

Submitted is Petitioner's application pursuant to 28 U.S.C. § 2244 to file a second or successive habeas corpus petition

in the above-captioned case.

Respectfully,
Clerk

MMW/CAD/mlr

ORDER

The foregoing application to file a third successive habeas corpus petition is denied. Goldblum has failed to make a prima facie showing that: (1) the claim relies on a new rule of constitutional law, or (2) the factual predicate for the claim could not have been discovered previously through the exercise of due diligence and the facts underlying the claim, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that, but for constitutional error, no reasonable factfinder would have found him guilty of the underlying offense. See 28 U.S.C. § 2244(b)(2). In particular, the facts underlying Dr. Perper's report and Orsatti's affidavit, and the FBI report regarding Orlosky's polygraph tests, could have been discovered previously with due diligence. Please note Judge Restrepo would have granted the motion.

By the Court,

s/ Kent A. Jordan
Circuit Judge

Dated: March 8, 2017

mlr/cc: Alexander H. Lindsay, Jr. Esq.
Ronald M. Wabby, Jr., Esq.



Marcia M. Waldron
Marcia M. Waldron, Clerk