

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

RAHEEM J. BRENNERMAN,

Petitioner-Appellant,

-vs-

Docket No. 22-1282

UNITED STATES OF AMERICA,

Respondent-Appellee,

MOTION FOR CERTIFICATE OF APPEALABILITY

RAHEEM JEFFERSON BRENNERMAN, hereby affirm under penalty of perjury:

1. I am the Petitioner-Appellant in this instant appeal.
2. I, Raheem Jefferson Brennerman ("Brennerman or Petitioner-Appellant") am a Pro Se Petitioner - Appellant in this matter. As such I am familiar with the facts and circumstances of this action.
3. Brennerman respectfully submits this motion for certificate of appealability pursuant to 28 U.S.C. Section 2253, to allow him the opportunity to present an appeal for this Court to review the substantive issues which abridges, denies and deprives him (Brennerman) of his civil and Constitutional rights, including Ineffective assistance of counsel, right to liberty, right to fair trial and proceedings among others, precipitated by CRIMES and Misconduct perpetuated against him as more succinctly presented at District Court at: Brennerman v. United States, Civil Action No. 22 Cv. 996 (LAK), EFC Nos. 26 (Follow Up Letter to Chief Judge dated May 5, 2022) copy appended as "Ex. 1"; EFC No. 25 (Reply Motion dated April 21, 2022) copy appended as "Ex. 2"; EFC No. 31 (Response and Notification of Crime dated May 22, 2022) copy appended as "Ex. 3"; EFC No. 33 (Request to Expedite Relief dated July 7, 2022) copy appended as "Ex. 4", EFC No. 35 (Crime and Misconduct Against Petitioner- Defendant dated July 21, 2022) copy appended as "Ex. 5".
4. Additionally, District Court (Kaplan, J.) abused its discretion when it failed to promulgate the basis for denying relief (at EFC Nos. 34 and 36) to a criminal defendant, Brennerman, who sought relief from the crimes and misconduct. The United States Court of Appeals reviews a district court's denial of relief for abuse of discretion. *Devlin v. Transp. Commc'ns Int'l Union*, 175 F.3d 121, 132 (2d Cir. 1999). Here, Judge Lewis A. Kaplan provided no opinion or memorandum of law from which a meaningful appellate review could be undertaken. The Court provided no rational basis for the denial of relief. See 22 Cv. 996 (LAK), EFC Nos. 34 and 36. Hence, because the Court provided no basis in law or fact for its denial of relief to a criminal defendant, it [the Court] abused its discretion by not explaining the basis for its denial of relief from asserted and demonstrable crimes, misconduct and bias. Furthermore, the Court conducted no fact-finding or evidentiary hearing.

5. This appeal boils down to an extraordinary assertion that the civil and Constitutional rights violation(s) here are simply too blatant and consequential to ignore. Federal Courts have the solemn duty to protect the Constitutional rights of every person(s) within the United States territories. This is a significant and egregious act where Federal Court (Judge Lewis A. Kaplan) encouraged CRIMES and Misconduct against Petitioner - Appellant Brennerman with Government prosecutors, acting on behalf of District Court (Judge Lewis A. Kaplan), intentionally committed CRIMES and Misconduct against Petitioner - Defendant and District Court (Judge Lewis A. Kaplan) endeavored to cover-up the CRIMES and Misconduct.
6. Brennerman respectfully submits this motion in reliance on his U.S. Constitutional rights, all applicable law and federal rule and in reliance on the supervisory authority of this Court to rectify the errors and misconduct which violates his civil and Constitutional rights. As the Fourth Circuit U.S. Court of Appeals recently stated: "what gives people confidence in our judicial system is not that we merely get things rights, it is that we live in a system that upholds the rule of law even when it is inconvenient to do so."

WHEREFORE, this Court should grant Brennerman's motion for certificate of appealability in the interest of justice.

Dated: August 11, 2022

White Deer, Pa. 17887-1000

Respectfully submitted

/s/ Raheem J. Brennerman
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