

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

RAMONA I. MORGAN,

Petitioner,

v.

CASE NO. 22-3064-SAC

GLORIA GEITHER,

Respondent.

MEMORANDUM AND ORDER

This matter is a petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254. On April 8, 2022, the Court dismissed this matter for lack of jurisdiction and declined to issue a certificate of appealability. (Doc. 4.) Petitioner filed a notice of appeal to the Tenth Circuit and has now filed a motion for order of designation of record on appeal pursuant to Federal Rule of Appellate Procedure 10(b)(1). (Doc. 15.)

Rule 10(b)(1) requires an appellant, within a specified time, to either order transcripts from the reporter if they are not already on file or "file a certificate stating that no transcript will be ordered." Fed. R. App. P. 10(b)(1). It does not provide for motions such as the one Petitioner has filed, which appears to ask the Court to designate the record on appeal to include state-court trial transcripts. In addition, the Court dismissed this action not on the merits but on procedural grounds: the petition was an unauthorized and successive petition for relief under 28 U.S.C. § 2254 over which this Court lacks jurisdiction. (Doc. 4.) The documents Petitioner seeks through the present motion are neither

necessary nor relevant to appellate review of that conclusion.

IT IS THEREFORE ORDERED that Petitioner's Motion for Order of Designation of Record on Appeal (Doc. 15) is **denied**. Copies of this order shall be transmitted to Petitioner and to the Clerk of the U.S. Court of Appeals for the Tenth Circuit.

IT IS SO ORDERED.

DATED: This 29th day of April, 2022, at Topeka, Kansas.

S/ Sam A. Crow

SAM A. CROW

U.S. Senior District Judge