

BLD-141

March 28, 2019

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. **18-3662**

BOBBY BOYE, a/k/a Bobby Ajiboye a/k/a Bobby Aji-Boye, Appellant

v.

UNITED STATES OF AMERICA

(D.N.J. Civ. No. 3-16-cv-06024)

Present: AMBRO, KRAUSE, and PORTER, Circuit Judges

Submitted is Appellant's request for a certificate of appealability under 28 U.S.C. § 2253(c)(1)

in the above-captioned case.

Respectfully,

Clerk

ORDER

Boye's request for a certificate of appealability (COA) is granted as to his claim that counsel performed ineffectively by failing to advise him during plea negotiations that the amount of loss caused by the fraud should be offset by the value of the services that Boye provided. See generally Miller-El v. Cockrell, 537 U.S. 322, 327 (2003). As to this claim, we are satisfied that Boye has made a substantial showing of the denial of a constitutional right. See id. The COA request is otherwise denied, for substantially the reasons set forth in the District Court's opinion.

By the Court,

s/ Cheryl Ann Krause
Circuit Judge

Dated: April 4, 2019

CLW/cc: Michael J. Confusione, Esq.

Mark E. Coyne, Esq.