

**UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
NEW YORK**

Steven M. Kilgore v. D. Goodman

Kilgore v. Goodman · No. 9:24-CV-512 (DNH) · Decided February 19, 2026

OPINION

United States District Court Northern District of New York JUDGMENT IN A CIVIL CASE STEVEN M. KILGORE, Petitioner, V. CASE NUMBER: 9:24 -CV-512 (DNH) D. GOODMAN, Respondent. [x] Decision by Court. This action came to trial or hearing before the Court.

The issues have been tried or heard and a decision has been rendered. IT IS ORDERED AND ADJUDGED, that this action is dismissed in accordance with the DECISION AND ORDER dated February 19, 2026 of Senior Judge David N. Hurd which ORDERED that the amended petition is DISMISSED AND DENIED; ORDERED that petitioner's motions for immediate release, Dkt. No. 19, and compassionate release, Dkt.

No. 22, are DENIED; and ORDERED that the Court declines to issue a Certificate of Appealability. 28 U.S.C. § 2253(c); Banks v. Dretke, 540 U.S. 668, 705 (2004) ("To obtain a certificate of appealability, a prisoner must 'demonstrat[e] that jurists of reason could disagree with the district court's resolution of his constitutional claims or that jurists could conclude the issues presented are adequate to deserve encouragement to proceed further.'" (quoting Miller-El v. Cockrell, 537 U.S. 322, 327 (2003))).

Any further request for a Certificate of Appealability must be addressed to the Court of Appeals. See Fed. R. App. P. 22(b); 2d Cir. R. 22.1. February 19, 2026 DATE ¥ filed Clerk of Court pee s/Nancy A. Steves (BY) DEPUTY CLERK Rule 4. Appeal as of Right (a) Appeal in a Civil Case. 1.

(1) Time for Filing a Notice of Appeal. of appeal—in compliance with Rule 3(c)—within the time prescribed (A) In a civil case, except as provided in Rules 4(a)(1)(B), 4(a)(4), and by this Rule measured from the entry of the order disposing of the last 4(c), the notice of appeal required by Rule 3 must be filed with the such remaining motion. district clerk within 30 days after entry of the judgment or order (5) Motion for Extension of Time. appealed from.

(A) The district court may extend the time to file a notice of appeal (B) The notice of appeal may be filed by any party within 60 days after if: entry of the judgment or order appealed from if one of the parties is: (i) a party so moves no later than 30 days after the time prescribed by (i) the United States; this Rule 4(a) expires; and (ii) a United States agency; (iii) a United States officer or employee sued in an official capacity; or (ii) regardless of whether its motion is filed before or

during the 30 (iv) a current or former United States officer or employee sued in an days after the time prescribed by this Rule 4(a) expires, that party individual capacity for an act or omission occurring in connection with shows excusable neglect or good cause. duties performed on the United States' behalf — including all instances (B) A motion filed before the expiration of the time prescribed in in which the United States represents that person when the judgment Rule 4(a) (1) or (3) may be ex parte unless the court requires or order is entered or files the appeal for that person. otherwise.

If the motion is filed after the expiration of the prescribed (C) An appeal from an order granting or denying an application for a time, notice must be given to the other parties in accordance with writ of error coram nobis is an appeal in a civil case for purposes of local rules. Rule 4(a). (C) No extension under this Rule 4(a)(5) may exceed 30 days after (2) Filing Before Entry of Judgment.

A notice of appeal filed after the the prescribed time or 14 days after the date when the order granting court announces a decision or order—but before the entry of the the motion is entered, whichever is later. judgment or order—is treated as filed on the date of and after the entry.

(6) Reopening the Time to File an Appeal. The district court may (3) Multiple Appeals. If one party timely files a notice of appeal, any reopen the time to file an appeal for a period of 14 days after the date other party may file a notice of appeal within 14 days after the date when its order to reopen is entered, but only if all the following when the first notice was filed, or within the time otherwise prescribed conditions are satisfied: by this Rule 4(a), whichever period ends later.

(A) the court finds that the moving party did not receive notice under (4) Effect of a Motion on a Notice of Appeal. Federal Rule of Civil Procedure 77 (d) of the entry of the judgment or order sought to be appealed within 21 days after entry; (A) If a party timely files in the district court any of the following motions under the Federal Rules of Civil Procedure, the time to file an (B) the motion is filed within 180 days after the judgment or order is appeal runs for all parties from the entry of the order disposing of the entered or within 14 days after the moving party receives notice under last such remaining motion: Federal Rule of Civil Procedure 77 (d) of the entry, whichever is earlier; and (i) for judgment under Rule 50(b); (C) the court finds that no party would be prejudiced. (ii) to amend or make additional factual findings under Rule 52(b), whether or not granting the motion would alter the judgment; (7) Entry Defined. (iii) for attorney's fees under Rule 54 if the district court extends the (A) A judgment or order is entered for purposes of this Rule 4(a): time to appeal under Rule 58; (i) if Federal Rule of Civil Procedure 58 (a) does not require a (iv) to alter or amend the judgment under Rule 59; separate document, when the judgment or order is entered in the civil docket under Federal Rule of Civil Procedure 79 (a); or (v) for a new trial under Rule 59; or (ii) if Federal Rule of Civil Procedure 58 (a) requires a separate (vi) for relief under Rule 60 if the motion is filed no later than 28 days document, when the judgment or order is entered in the civil docket after the judgment is entered. under Federal

Rule of Civil Procedure 79(a) and when the earlier of (B)(i) If a party files a notice of appeal after the court announces or these events occurs: enters a judgment—but before it disposes of any motion listed in Rule • the judgment or order is set forth on a separate document, or 4(a)(4)(A)—the notice becomes effective to appeal a judgment or order, in whole or in part, when the order disposing of the last such • 150 days have run from entry of the judgment or order in the civil remaining motion is entered. docket under Federal Rule of Civil Procedure 79 (a).