

**UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT**

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING  
56 Forsyth Street, N.W.  
Atlanta, Georgia 30303

John Ley  
Clerk of Court

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December 24, 2014

MEMORANDUM TO COUNSEL OR PARTIES

Appeal Number: 14-13081-P  
Case Style: Daniel Peterka v. Secretary, FL DOC  
District Court Docket No: 3:05-cv-00022-RS

**This Court requires all counsel to file documents electronically using the Electronic Case Files ("ECF") system, unless exempted for good cause.**

The enclosed order has been ENTERED.

Sincerely,

JOHN LEY, Clerk of Court

Reply to: Jan S. Camp  
Phone #: (404) 335-6171

MOT-2 Notice of Court Action

IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

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No. 14-13081-P

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DANIEL JON PETERKA,

Petitioner - Appellant,

versus

SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS,

Respondent - Appellee.

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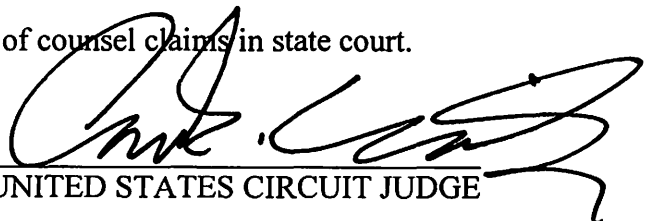
Appeal from the United States District Court  
for the Northern District of Florida

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ORDER:

Before the Court is Daniel Peterka's Application for Certificate of Appealability. We GRANT the Application for the following issue:

Is the Petitioner Peterka entitled to assert claims of ineffective assistance of trial counsel relying on *Martinez v. Ryan*, 132 S. Ct. 1309 (2012) and *Trevino v. Thaler*, 133 S. Ct. 199 (2013) by invoking Federal Rule of Civil Procedure 60(b)(6) to argue that the judgment denying his original habeas petition should be reopened as to ground 5 to allow him to establish cause and prejudice for his failure to exhaust his ineffective assistance of counsel claims in state court.

  
UNITED STATES CIRCUIT JUDGE