



of a post-judgment Rule 59 motion suspends the finality of the district court's judgment. *See* FED. R. APP. P. 4(a)(2); *Stone v. I.N.S.*, 514 U.S. 386, 402-03 (1995).

Petitioner claims he handed his habeas application to a prison official on November 22, 2013 to be mailed to the court. Thus, petitioner contends his petition was filed within the limitations period in accordance with the prison mailbox rule. Petitioner requests relief from the judgment and that prison officials be ordered to produce the mail room and law library logs for the dates from November 18, 2013 through December 5, 2013. Additionally, petitioner requests a determination of his petition on the merits.

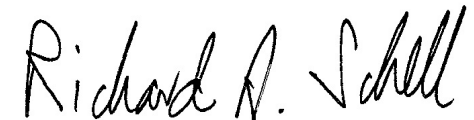
After careful consideration of movant's motion, the court is of the opinion that the motions sets forth a meritorious ground warranting relief from the judgment. Accordingly, movant's motions should be granted, and the petition should be returned to the court's active docket for factual development of the limitations issue or further consideration of the petition.

#### **ORDER**

For the reasons set forth above, movant's motions are meritorious and should be granted. It is therefore,

**ORDERED** that movant's motions to alter or amend judgment are **GRANTED**. The Clerk of Court is **DIRECTED** to reinstate the above-styled action on the court's active docket.

**SIGNED this the 2nd day of September, 2016.**



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RICHARD A. SCHELL  
UNITED STATES DISTRICT JUDGE