

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION

EVERETT FOREMAN
ADC #102271

PETITIONER

v.

No. 5:99-cv-390-DPM

WENDY KELLEY,* Director,
Arkansas Department of Correction

RESPONDENT

ORDER

Motion, *No. 18*, dismissed without prejudice for lack of jurisdiction. Foreman's conviction and sentence have already been examined in one complete round in habeas. *No. 7, 10 & 16*. And Rule 60 can't be deployed to make an end-run around the statute's presumptive bar against successive habeas petitions. *Gonzalez v. Crosby*, 545 U.S. 524, 528-32 (2005); *Ward v. Norris*, 577 F.3d 925, 932-33 (8th Cir. 2009). Foreman must therefore seek and get permission from the Court of Appeals before he can proceed on any new claims. 28 U.S.C. § 2244(b)(3)(A). No certificate of appealability will issue.

*Wendy Kelley is the current director of the Arkansas Department of Correction. The Court directs the Clerk to amend the docket.

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

18 October 2016