

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

NICKOL E. CARTER
ADC #146315

PETITIONER

v.

No. 5:10-cv-346-DPM

WENDY KELLEY,* Director,
Arkansas Department of Correction

RESPONDENT

ORDER

The Court refers Carter's new motion, *No. 42*, to Magistrate Judge Ray for a recommendation. The Court would particularly appreciate Judge Ray's thoughts on whether Carter's Rule 60 motion is, in substance, a second or successive *habeas* petition. *Gonzalez v. Crosby*, 545 U.S. 524, 528-32 (2005); *Ward v. Norris*, 577 F.3d 925, 932-33 (8th Cir. 2009).

So Ordered.

D.P. Marshall Jr.

D.P. Marshall Jr.
United States District Judge

18 October 2019

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