UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA

GARY DEAN BOONE,	)	
	)	
Petitioner,	)	
vs.	)	2:09-cv-221-WTL-TAB
	)	
H. J. MARBERRY, Warden,	)	
	)	
Respondent.	)	

E N T R Y

Habeas petitioner Gary Boone's most recent motion for relief from judgment (dkt 19) has been considered. As explained in Part I of the Entry issued on March 26, 2010, a motion to reopen the time to file an appeal pursuant to Rule 4(a)(6) of the *Federal Rules of Appellate Procedure* is "the exclusive authority for the district court to order the reopening of an otherwise expired and no longer extendable time for filing [a notice of appeal]." *Wilkens v. Johnson,* 238 F.3d 328, 331 (5th Cir. 2001). Accordingly, Boone's most recent motion for relief from judgment (dkt 19) is **denied.**

In light of the foregoing, Boone's motion for the appointment of counsel (dkt 20) is **denied**.

IT IS SO ORDERED.

Date: 04/21/2010

Distribution:

Gary Dean Boone
Reg No 94865-071
U S Penitentiary
P O Box 33
Terre Haute, IN 47808

Hon. William T. Lawrence, Judge
United States District Court
Southern District of Indiana

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