

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

STANLEY LINDSEY (#90359)

VERSUS

CIVIL ACTION

N. BURL CAIN, ET AL

NUMBER 11-59-BAJ-SCR

**RULING ON MOTION FOR CERTIFICATE OF APPEALABILITY AND
REHEARING**

Before the court is the petitioner's Motion For Certificate of Appealability and Rehearing which shall be treated as a Motion for Certificate of Appealability and a Motion for Relief From Judgment Pursuant to Rule 60(b), Fed.R.Civ.P. Record document number 21.

Judgment was entered on September 6, 2011, denying the petitioner's application for habeas corpus pursuant to § 2254.¹ On that same date, the petitioner was denied a certificate of appealability.²

Petitioner sought the issuance of a Certificate of Appealability. Petitioner's motion is denied for the reasons set forth in the court's September 6, 2011 order.

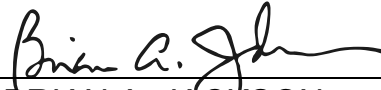
Petitioner also sought to have the entry of judgment set aside based on facts and arguments previously urged in his habeas corpus application.

¹ Record document number 19.

² Record document number 20.

Petitioner has failed to satisfy the prerequisites necessary to be relieved from judgment. Accordingly, the petitioner's motion for relief from judgment pursuant to Rule 60 is denied.

Baton Rouge, Louisiana, September 30, 2011.

A handwritten signature in black ink, appearing to read "Brian A. Jackson", written over a horizontal line.

BRIAN A. JACKSON
UNITED STATES DISTRICT JUDGE
MIDDLE DISTRICT OF LOUISIANA