

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION**

HAROLD JOE BLACK

CIVIL ACTION NO. 05-2187-P

VERUS

JUDGE S. MAURICE HICKS, JR.

WARDEN, ET AL.

MAGISTRATE JUDGE HORNSBY

MEMORANDUM ORDER

Before the Court is a motion entitled "Mandate Recall" (Record Document 152) filed by *pro se* Petitioner Harold Joe Black ("Petitioner"). It appears that Petitioner seeks a recall of the mandate issued on January 28, 2010. See Record Document 149.

The Supreme Court has held that "in light of the profound interests in repose attaching to the mandate of a court of appeals, . . . the power [to recall a mandate] can be exercised only in extraordinary circumstances." Calderon v. Thompson, 523 U.S. 538, 550, 118 S.Ct. 1489, 1498 (1998). "The sparing use of the power demonstrates it is one of last resort, to be held in reserve against grave, unforeseen contingencies." Id.

Based on the showing made in the motion, Petitioner has failed to establish extraordinary circumstances and/or grave, unforeseen contingencies. In fact, he continues to present the same claims and arguments raised in his original filing.

Accordingly,

IT IS ORDERED that Petitioner's motion entitled "Mandate Recall" (Record Document 152) be and is hereby **DENIED**.

THUS DONE AND SIGNED at Shreveport, Louisiana, this the 21st day of November, 2011.



S. MAURICE HICKS, JR.
UNITED STATES DISTRICT JUDGE