

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL LITTLE,

Petitioner,

v.

Case Number: 2:08-cv-12794

CARMEN PALMER,

Respondent.

**ORDER DENYING AS DUPLICATIVE PETITIONER'S
SECOND MOTION FOR RELIEF FROM JUDGMENT**

On March 31, 2009, this court dismissed Petitioner Michael Little's habeas petition as untimely and declined to issue a certificate of appealability. (3/31/2009 Order, Dkt. # 16.) The United States Court of Appeals for the Sixth Circuit also declined to issue a certificate of appealability. Now before the court Petitioner's second motion for relief from judgment filed pursuant to Federal Rule of Civil Procedure 60(b). Petitioner signed the pending motion but it is undated. Along with his motion, Petitioner also filed a second motion to waive fees and costs.

On May 4, 2011, Petitioner filed his first motion for relief from judgment, which the court construed as a second or successive habeas petition and ordered the Clerk of the Court to transfer the case to United States Court of Appeals for the Sixth Circuit. (See 6/4/2011 Order, Dkt. # 24.) Thereafter, the Sixth Circuit docketed the case, and the case remains pending before that court. *See In re Little*, No. 11-1763 (6th Cir.). Having reviewed the pending motion, the court concludes that it is duplicative of the one transferred to the Sixth Circuit and, therefore, the court will deny the motion.

Accordingly,

IT IS ORDERED that Petitioner's second "Motion for Relief from Judgment" [Dkt. # 25] is DENIED as duplicative.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: March 12, 2012

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, March 12, 2012, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522