

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

No. 07-60554

SOUTHERN DISTRICT OF MISSISSIPPI  
**FILED**  
MAR 02 2009  
J.T. NOBLIN, CLERK  
BY \_\_\_\_\_ DEPUTY

JOHN W BARRETT

Petitioner - Appellant

v.

STATE OF MISSISSIPPI

Respondent - Appellee

U.S. COURT OF APPEALS  
**FILED**  
FEB 10 2009

CHARLES D. FULBRUGE III  
CLERK

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Appeal from the United States District Court for the  
Southern District of Mississippi, Jackson  
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Before KING, DENNIS, and OWEN, Circuit Judges.

PER CURIAM:

A member of this panel previously denied appellant's motion for certificate of appealability. The panel has considered appellant's petition for panel rehearing as a motion for reconsideration. IT IS ORDERED that the motion is *denied*.

*CDK*  
*[Handwritten signature]*

MOT-29

Alina Egg  
March  
Clerk, U.S. Court of Appeals, Fifth Circuit  
*[Handwritten signature]*  
New Orleans, Louisiana FEB 11 2009