

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION

JAMES C. WINDING, NO. K8115

PETITIONER

versus

CIVIL ACTION NO. 5:05-cv-178-DCB-MTP

RONALD KING, Superintendent, and  
JIM HOOD, Attorney General RESPONDENTS

ORDER

This cause is before the Court on Petitioner's Motion to Reopen Case [**docket entry no. 169**] and Letter Motion [**docket entry no. 170**] requesting free copies of various documents. As the Court understands the Petitioner's argument, he asks the Court to reopen his case because he has evidence of his actual innocence. Having reviewed the record in this case and having considered the merits of the pending Motions, the Court finds the Petitioner's requests lack merit and denies the Motions for the following reasons:

As an initial matter, Petitioner's Motion to Reopen Case [docket entry no. 169] is not properly before the Court, as this request qualifies as a second or successive motion for relief under § 2254. See Rule 9 of the Rules Governing Section 2254 Proceedings. For the Petitioner to present his argument to this Court, he must first seek permission from the Court of Appeals. See id.; see also July 13, 2009 Order at 2, docket entry no. 146. To the extent that this Motion could be construed as a Rule 60(b) motion, see Gonzalez v. Crosby, 545 U.S. 524 (2005), it is denied because the evidence to which the Petitioner refers is not "newly discovered." To

