

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

BYRON K. RED KETTLE,	)	
	)	
Petitioner,	)	8:13CV171
	)	
v.	)	
	)	
MICHAEL L. KENNY, Director,	)	MEMORANDUM AND ORDER
Nebraska Department of	)	
Correctional Services,	)	
	)	
Respondent.	)	
_____	)	

This matter is before the Court on petitioner’s Motion for the Appointment of Counsel (Filing No. [48](#)) and Motion for Hearing (Filing No. [49](#)). The Court dismissed the Petition for Writ of Habeas Corpus at issue in this case on April 18, 2014, because it was a second or successive petition. (See Filing Nos. [40](#) and [41](#).) Thereafter, the Court denied three motions filed by petitioner seeking to further litigate his habeas corpus petition. (See Filing Nos. [42](#), [43](#), and [46](#).)

Here, petitioner seeks a hearing and the appointment of counsel so that he can, once again, attempt to challenge the state-court judgment of which he stands convicted. However, as set forth in the Court’s Memorandum Opinion dated April 18, 2014, and again in the Court’s Memorandum Opinion dated May 2, 2014, if petitioner wishes to pursue this matter, he should file a motion with the Eighth Circuit Court of Appeals fully addressing the

legal requirements for successive habeas corpus petitions set forth in 28 U.S.C. § 2244(b).

IT IS ORDERED that petitioner's Motion for the Appointment of Counsel (Filing No. [48](#)) and Motion for Hearing (Filing No. [49](#)) are denied.

DATED this 5th day of December, 2014.

BY THE COURT:

/s/ Lyle E. Strom

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LYLE E. STROM, Senior Judge  
United States District Court

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