

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

OLEN E. HUTCHISON,)	
)	
<i>Petitioner,</i>)	
)	
v.)	No. 3:98-cv-664
)	<i>Greer</i>
)	
RICKY BELL, Warden,)	
)	
<i>Respondent.</i>)	

MEMORANDUM AND ORDER

This is a petition for the writ of habeas corpus pursuant to 28 U.S.C. § 2254; the petitioner is presently incarcerated on death row. The matter came before the court on remand from the Sixth Circuit to consider petitioner's Rule 60(b) motion for relief from judgment. The court denied the Rule 60(b) motion and dismissed the case, and petitioner appealed. Petitioner has now filed an application for a certificate of appealability with respect to the denial of the Rule 60(b) motion.

For the reasons set forth in the prior order denying the Rule 60(b) motion, the court finds that petitioner has failed to make a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c); Rule 22(b) of the Federal Rules of Appellate Procedure. The court further finds that reasonable jurists would not find this court's determination debatable

or wrong. *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). Accordingly, a certificate of appealability **SHALL NOT ISSUE** and petitioner's application for a certificate of appealability is **DENIED**.

ENTER :

s/J. RONNIE GREER
UNITED STATES DISTRICT JUDGE