

IN THE
UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

In re:

PHILIP R. WORKMAN,

Movant.

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No. 00-5422

RESPONSE IN OPPOSITION TO PETITIONER'S SECOND MOTION
FOR LEAVE TO FILE A SECOND HABEAS CORPUS PETITION

On April 3, 2000, petitioner filed the above-captioned pleading, which he styled as Petitioner Philip Ray Workman's Second Motion for Leave to File a Second Habeas Corpus Petition. According to its own terms, the motion represents a second request for leave to file one of the three claims that were the subject of petitioner's first application to file a second habeas corpus petition. Consequently, the motion is nothing more than a petition for rehearing under the guise of a new motion. By order dated March 31, 2000, petitioner's first motion was denied. As this Court informed the parties on March 24, 2000, pursuant to 28 U.S.C. §2244(b)(3)(E), that decision is final and not subject to a

petition for rehearing. Accordingly, the motion should be dismissed.

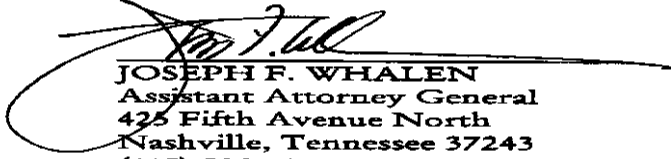
Respectfully submitted,

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