

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

JAMES W. RILEY,

Petitioner,

v.

THOMAS CARROLL, Warden, et. al.,

Respondents.

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Civ. A. No. 04-1435-CFC

ORDER

At Wilmington this 14th day of December, 2018;

For the reasons set forth in the Memorandum issued this date, **IT IS HEREBY ORDERED** that:

1. Petitioner James W. Riley's Rule 60(b) Motion is construed to be an unauthorized second or successive Petition for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254. So construed, the Motion/Petition is **DISMISSED** for lack of jurisdiction.

(D.I. 43)

2. Petitioner's Letter Motion to Appoint Counsel/Request for Adjudication of Rule 60(b) Motion is **DISMISSED** as moot. (D.I. 46)

3. The Court declines to issue a certificate of appealability because Petitioner has failed to satisfy the standards set forth in 28 U.S.C. § 2253(c)(2).



UNITED STATES DISTRICT JUDGE