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**UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT**

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No: 17-2843

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Robert Earl Clayborne, Jr.

Petitioner - Appellant

v.

State of Nebraska

Respondent - Appellee

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Appeal from U.S. District Court for the District of Nebraska - Omaha  
(8:15-cv-00378-RGK)

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**JUDGMENT**

Before LOKEN, BOWMAN and COLLOTON, Circuit Judges.

The appeal is dismissed. See United States v. Lambros, 404 F.3d 1034, 1036 (8th Cir. 2005).

December 07, 2017

Order Entered at the Direction of the Court:  
Clerk, U.S. Court of Appeals, Eighth Circuit.

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/s/ Michael E. Gans

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Appellant

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Appeal from U.S. District Court for the District of Nebraska - Omaha  
(8:15-cv-00378-RGK)

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**ORDER**

The petition for rehearing en banc is denied. The petition for rehearing by the panel is also denied.

February 08, 2018

Order Entered at the Direction of the Court:  
Clerk, U.S. Court of Appeals, Eighth Circuit.

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/s/ Michael E. Gans

C.

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

ROBERT E. CLAYBORNE JR.,	)	
	)	
Petitioner,	)	8:15CV378
	)	
v.	)	
	)	
STATE OF NEBRASKA,	)	ORDER
	)	
Respondent.	)	
	)	

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IT IS ORDERED that Petitioner's "Motion for Relief From a Judgment or Order Under Federal Rules of Civil Procedure Rule 60" (filing no. 28) is denied.

DATED this 24<sup>th</sup> day of July, 2017.

BY THE COURT:

*s/ Richard G. Kopf*  
Senior United States District Judge

**Additional material  
from this filing is  
available in the  
Clerk's Office.**