

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

DIAMOND LANEIL BARNES,

Petitioner,

vs.

JEFF HUTCHINSON, et al,

Respondents.

Case No. 16-CV-798-SMY

ORDER

YANDLE, District Judge:

Petitioner Diamond LaNeil Barnes, an inmate of the Illinois Department of Corrections, has filed several motions in this closed habeas matter: Motion to Alter Judgment (Doc. 86), Motion for Leave to Proceed *in forma pauperis* (Doc. 89), Motion to Set Aside Judgment (Doc. 90), Motion to Waive (Doc. 91), and Motion for Entry of Default (Doc. 92).

In July 2016, Barnes filed a habeas petition challenging his sentence under 28 U.S.C. § 2254. After the issues were fully briefed and considered, the Court denied Barnes' Petition as untimely and dismissed this case in April 2017 (Docs. 29, 35). Barnes filed a Notice of Appeal on June 23, 2017 (Doc. 43). The Seventh Circuit Court of Appeals issued Mandate in January 2018, dismissing Barnes' appeal on the merits, finding that his Petition was "plainly untimely" (Doc. 66-1, p. 1).

An appeal having been taken and dismissed, all issues having been disposed of and with the case now closed, this Court lacks jurisdiction to rule on Barnes' motions. Accordingly, the motions (Docs. 86, 89, 90, 91, and 92) are **DENIED**.

In light of Petitioner's persistence in improperly filing motions in this closed case, the Court **CAUTIONS** him against filing any motions under this civil case number in the future. Failure to heed this warning may result in sanctions, including revoking Barnes' filing privileges.

IT IS SO ORDERED.

DATE: February 8, 2023

A handwritten signature in black ink, appearing to read "Staci M. Yandle", is written over a circular, textured stamp.

STACI M. YANDLE
United States District Judge

United States Court of Appeals

For the Seventh Circuit

Chicago, Illinois 60604

Submitted October 23, 2023

Decided October 31, 2023

Before

FRANK H. EASTERBROOK, *Circuit Judge*

THOMAS L. KIRSCH II, *Circuit Judge*

No. 23-1361

DIAMOND L. BARNES,
Petitioner-Appellant,

v.

FELICIA ADKINS,
Respondent-Appellee.

Appeal from the United States District
Court for the Southern District of Illinois.

No. 16-CV-798-SMY

Staci M. Yandle,
Judge.

ORDER

Years after unsuccessfully challenging his murder conviction under 28 U.S.C. § 2254, Diamond Barnes filed several motions under Federal Rule of Civil Procedure 60(b) and other provisions. The district court denied them, and Barnes has filed a notice of appeal and an application for a certificate of appealability. We have reviewed the orders of the district court and the record on appeal and find no substantial showing of the denial of a constitutional right. *See* 28 U.S.C. § 2253(c)(2). In 2017, we called the underlying petition “plainly untimely.” No. 17-2326 (7th Cir. Nov. 16, 2017). A Rule 60(b) motion in the district court, filed in 2022, cannot undo the timeliness deficiency.

Accordingly, the request for a certificate of appealability is **DENIED**. Barnes’s remaining motions are **DENIED**.