APPENDIX-1

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED
May 23, 2025
KELLY L. STEPHENS, Clerk

No. 24-6007

WILLIAM LANIER,

Petitioner-Appellant,

v.

VINCENT VANTELL, Warden,

Respondent-Appellee.

Before: GRIFFIN, Circuit Judge.

JUDGMENT

THIS MATTER came before the court upon the application by William Lanier for a certificate of appealability.

UPON FULL REVIEW of the record and any submissions by the parties,

IT IS ORDERED that the application for a certificate of appealability is DENIED.

ENTERED BY ORDER OF THE COURT

Kelly L. Stephens

Kelly L. Stephens, Clerk

No. 24-6007

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

WILLIAM LANIER,

Petitioner-Appellant,

v.

VINCENT VANTELL, Warden,

Respondent-Appellee.

ORDER

Before: GRIFFIN, Circuit Judge.

William Lanier, a pro se Tennessee prisoner, appeals the district court's judgment denying his habeas corpus petition filed under 28 U.S.C. § 2254. He has applied for a certificate of appealability (COA) and moves to proceed in forma pauperis (IFP) on appeal. *See* Fed. R. App. P. 22(b), 24(a)(5). As discussed below, we deny his COA application and his IFP motion.

Based on information from Tommie Reed that Lanier was part of a theft ring, police arrested Lanier on December 3, 2007; he was released on bond. *See State v. Lanier*, No. W2011-01626-CCA-R3-CD, 2013 WL 5739793, at *1 (Tenn. Crim. App. Oct. 18, 2013), *perm. app. denied*, (Tenn. Feb. 11, 2014). Reed's lifeless body was found nearly three weeks later in his car in a deserted area having been shot twice in the head. *See id.* at *1, *3.

Lanier was arrested in connection with Reed's murder on March 27, 2008. *See id.* at *8. In April 2010, Lanier's original counsel—Claiborne Ferguson—withdrew, and Ross Sampson was appointed. *See id.*

Lanier's trial began on February 28, 2011. *See id.* at *9. Evidence against him included testimony by Sierra Stornes, his ex-girlfriend. *See id.* at *4. She stated that Reed had come to her apartment on the night of his murder and left with Lanier (who was armed with Reed's gun). *See*

id. Stornes's aunt later came to her apartment at Lanier's request to retrieve bullets. *See id.* Stornes went to her aunt's residence to see him, and he confessed to the murder. *See id.* at *5. When they returned to Stornes's apartment, Lanier described the incident in detail, explained that he had killed Reed because he supposedly snitched on him, and threatened to kill Stornes if she reported him. *See id.* Despite the threat, Stornes did report the matter to Crime Stoppers. *See id.* But she recanted when talking to defense investigator Clark Chapman and then reversed herself again at trial. *See id.* at *5, *6. Stornes explained that she had recanted to Chapman because Lanier had "called her from jail and hinted that he wanted her to lie so that he could be released from jail and help take care of their son." *Id.* at *5. She asserted that she was testifying truthfully to give Reed's family closure "and because her son did not need to be around someone who had committed murder." *Id.* The jury convicted Lanier of first-degree murder. On March 4, 2011, the trial court sentenced Lanier to life in prison with the possibility of parole and thereafter denied his motion for a new trial. The Tennessee Court of Criminal Appeals (TCCA) affirmed. *Id.* at *18.

In his post-conviction petition, filed in 2014, Lanier raised claims of ineffective assistance of counsel. The trial court appointed as counsel Eric Mogy, who filed an amended petition. When Mogy withdrew, the court appointed Michael Working. After conducting hearings, the court denied Lanier's petition. Attorney Shae Atkinson was appointed to represent Lanier on appeal; the TCCA again affirmed. *Lanier v. State*, No. W2018-01434-CCA-R3-PC, 2020 WL 1547846 (Tenn. Crim. App. Apr. 1, 2020), *perm. app. denied*, (Tenn. Aug. 11, 2020).

Lanier filed his § 2254 petition in 2021 and amended it by leave of the court in 2022. As amended, the petition contained the following claims:

(1) Lanier was denied his right to a speedy trial;

(2) The State violated his right against self-incrimination when it commented on his silence during closing argument;

(3)

(a) Original counsel Ferguson rendered ineffective assistance of counsel by failing to (i) adequately investigate whether Nathan Carter could provide alibi testimony and (ii) preserve an alibi defense by getting Carter's sworn statement; and

(b) trial attorney Sampson rendered ineffective assistance by failing to introduce at trial Carter's unsworn statement to investigator Chapman.

(4) Sampson rendered ineffective assistance by failing to adequately investigate and present a third-party defense that others had a motive to kill Reed; and Sampson erred by

(a) calling Ladarion[1] Starks, instead of his brother Rodney, to testify about Christopher Criswell shooting Reed's car when they were riding with him;

(b) failing to call Criswell to testify as promised in opening argument;

(c) failing to investigate the alibi of Maridis Mason, a member of the theft ring who knew that Reed had informed on him;

(d) failing to investigate evidence related to Reed's "future actions" shortly before his death, i.e., his statements to Serita Harris and Kimbercy Washington that he was going to Auto Zone with "Big John"; and

(e) failing to impeach Stornes's false testimony that Lanier asked her to recant.

Sampson rendered further ineffective assistance by failing to (5) request a special jury instruction concerning Lanier's pending charge related to the theft ring; and (6) object to the prosecution's comments about the lack of an alibi;

(7) Lanier is entitled to habeas relief because of the cumulative impact from the ineffective assistance by Ferguson and Sampson;

(8) Lanier is entitled to a new post-conviction hearing because the post-conviction court and TCCA did not decide all issues raised and did not comply with Tennessee Code Annotated § 40-30-111(b) or Tennessee Rule of Post-Conviction Procedure 28 § 9(A); and

(9) Attorney Atkinson rendered ineffective assistance on post-conviction appeal by failing to assert that Attorney Working had rendered ineffective assistance.

The district court denied Lanier's habeas petition and declined to issue a COA. Lanier certified that he timely deposited his notice of appeal for mailing.

---

[1] Ladarion was referred to as Darion in state court proceedings. *See Lanier*, 2020 WL 1547846, at *27.

We construe Lanier's COA application as seeking certification of Claim 1 (speedy trial violation), Claim 2 (self-incrimination), Claim 3(a) (alibi defense), Claim 4(a) (failure to call Rodney Starks), Claim 4(b) (failure to call Criswell), Claim 4(c) (Mason's alibi), Claim 4(d) (Reed's future actions), Claim 4(e) (impeachment of Stornes), Claim 5 (special jury instruction), and Claim 6 (prosecutor's comments).

Preliminary Matters

Lanier does not seek a COA for Claim 3(b), which pertains to counsel's failure to introduce Carter's unsworn statement, or for Claims 7 to 9, which pertain to the purported cumulative error by counsel and errors in post-conviction proceedings. Lanier therefore has forfeited review of these claims. *See* 28 U.S.C. § 2253(c)(3); *Jackson v. United States*, 45 F. App'x 382, 385 (6th Cir. 2002) (per curiam); *Elzy v. United States*, 205 F.3d 882, 886 (6th Cir. 2000).

We decline to consider any new claim that Lanier may be attempting to raise on appeal, such as whether attorney Sampson should have investigated third-party evidence related to shootings involving Reed and Roderick Neal. A claim that was not raised below is not properly before this court on habeas review. *See Seymour v. Walker*, 224 F.3d 542, 561 (6th Cir. 2000). We also decline to consider new arguments related to original claims. The appellate court's function is to review the case presented below, rather than a better case fashioned after an unfavorable ruling. *Hall v. Warden, Lebanon Corr. Inst.*, 662 F.3d 745, 753 (6th Cir. 2011); *DaimlerChrysler Corp. Healthcare Benefits Plan v. Durden*, 448 F.3d 918, 922 (6th Cir. 2006).

COA Standard

An individual seeking a COA is required to make a substantial showing of the denial of a constitutional right. *See* 28 U.S.C. § 2253(c)(2). "A petitioner satisfies this standard by demonstrating that jurists of reason could disagree with the district court's resolution of his constitutional claims or that jurists could conclude the issues presented are adequate to deserve encouragement to proceed further." *Miller-El v. Cockrell*, 537 U.S. 322, 327 (2003).

When the appeal concerns a district court's procedural ruling, a COA should issue if the petitioner demonstrates "that jurists of reason would find it debatable whether the petition states a

valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); *see also Dufresne v. Palmer*, 876 F.3d 248, 253 (6th Cir. 2017) (per curiam). "[T]he gate keeping function of certificates of appealability is to separate the constitutional claims that merit the close attention of this court from those claims that have little or no viability." *Dufresne*, 876 F.3d at 254 (cleaned up).

Claim 1: Speedy Trial

In support of his claim that his right to a speedy trial was violated, Lanier asserted that he had requested a speedy trial, but the State deliberately caused delays by falsely alleging that he had made a statement against interest to cellmate Anthony Walker, who was never produced, by falsely alleging that CDs existed of jailhouse telephone recordings, that also were never produced, and by requesting continuances. Lanier allegedly suffered prejudice from the delays because alibi witness Carter, who was interviewed on May 1, 2009, died on November 15, 2009, approximately 15 months before the trial began.

When determining whether a defendant's right to a speedy trial was violated, we consider the length of the delay, the reasons for it, whether the defendant timely asserted his right to a speedy trial, and whether he suffered any prejudice. *Barker v. Wingo*, 407 U.S. 514, 530, 533 (1972); *United States v. Allen*, 86 F.4th 295, 304 (6th Cir. 2023) (per curiam), *cert. denied*, 144 S. Ct. 2621 (2024). A delay exceeding one year is presumptively prejudicial and triggers consideration of the remaining factors. *Allen*, 86 F.3d at 304; *United States v. Jackson*, 473 F.3d 660, 665 (6th Cir. 2007). "A deliberate attempt to delay the trial in order to hamper the defense should be weighted heavily against the government." *Barker*, 407 U.S. at 531. The right to a speedy trial is intended to, among other things, "limit the possibility that the defense will be impaired." *Id.* at 532.

Jurists of reason would agree that Lanier's right to a speedy trial was not violated. Although the length of the delay—nearly three years—was presumptively prejudicial, the factors as a whole do not weigh in Lanier's favor. As for his asserted reason for the delay, we note that

United States Court of Appeals for the Sixth Circuit

U.S. Mail Notice of Docket Activity

The following transaction was filed on 05/23/2025.

Case Name: In re: James Potter
Case Number: 24-5978

Docket Text:
ORDER filed: We DENY Potter's motion for authorization [7250462-2] [7261587-2] [7267761-2] [7280512-2] in each case. No mandate to issue. Ronald Lee Gilman, Circuit Judge; Richard Allen Griffin, Circuit Judge and Amul R. Thapar, Circuit Judge. [24-5978, 24-6064]

The following documents(s) are associated with this transaction:
Document Description: Order

Notice will be sent to:

Mr. James Carr Potter II
Eastern Kentucky Correctional Complex
200 Road to Justice
West Liberty, KY 41472

A copy of this notice will be issued to:

Mr. Todd D. Ferguson
Mr. Matthew Robert Krygiel
Mr. James J. Vilt Jr.

the TCCA observed that Lanier did not provide specific record citations to support his argument (which did not then contain allegations about CDs). *See Lanier*, 2013 WL 5739793, at *8 n.2. He now attempts to provide specific citations in his COA application, but the citations do not support his assertion of false allegations or deliberate delays by the State to hamper his defense. Much of the delay in his trial resulted from defense counsel's requests for continuances or concessions to the State's requests and were related to counsel's investigation and the resolution of Lanier's pending motions. *See Lanier*, 2013 WL 5739793, at *8-9. A delay caused by defense counsel is "charged against the defendant." *Vermont v. Brillon*, 556 U.S. 81, 90-91 (2009). And Lanier himself delayed the trial by refusing to cooperate with a court-ordered mental evaluation. *See Lanier*, 2013 WL 5739793, at *8-9.

Next, Lanier has not demonstrated that he timely and effectively asserted his right to a speedy trial. *See United States v. Flowers*, 476 F. App'x 55, 63 (6th Cir. 2012). Although Lanier stated "[d]uring several hearings" that he wanted a speedy trial, *Lanier*, 2013 WL 5739793, at *10, he has not accurately provided the date of any hearing during which he asserted his right.[2] Moreover, the trial record does not contain any written motion for a speedy trial. *See id.* Although Lanier attached copies of his pro se motions for a speedy trial to his § 2254 petition, they bear no proof of filing. And Lanier's failure to cooperate with counsel and with his mental health evaluation diminishes his assertion that he wanted a speedy trial. *See id.*

Last, Lanier has not demonstrated that he was prejudiced by the delay, i.e., that the death of Carter impaired his defense. The trial record contains no evidence about Carter because Lanier did not raise an alibi defense until his motion for a new trial. *See id.* at *10. In any event, evidence introduced on post-conviction review indicates that Carter, a photographer, merely stated that he had paid Lanier's bond the "last time" that Lanier was arrested in exchange for Lanier's promise to help Carter at clubs on the weekends. Although Carter "believe[d]" that Lanier "would have been with him" on the night of the murder "due to his recollection of when he learned of [Lanier]'s

[2] Although Lanier cites a hearing on November 6, 2008, he was not present and counsel did not move for a speedy trial.

arrest," he asked investigator Chapman to research the date that Lanier was released on bond. Besides failing to recall dates, Carter did not name any clubs or indicate the time of day that clubs were visited. Therefore, Lanier has not "demonstrated[d] with specificity how the evidence would have aided his defense." *United States v. Medina*, 918 F.3d 774, 781 (10th Cir. 2019).

Claim 2: Right Against Self-Incrimination

Lanier claimed that the State violated his right against self-incrimination when it commented on his silence during its rebuttal closing argument.

Before the rebuttal, defense counsel contended in his closing argument that numerous people were after Reed, that tire tracks at the scene had not been investigated, and that someone else may have killed Reed. *See Lanier*, 2013 WL 5739793, at *17. The State responded:

> [defense counsel] tells you that his client was dropped off and that the killers went on to kill [the victim], right? You didn't hear from an alibi witness, did you? You know that the [appellant] has the power to subpoena people. You've heard from his witnesses. But you didn't hear from an alibi witness, did you?

Id.

We consider four factors when determining the constitutionality of a prosecutor's allegedly indirect reference to a defendant's decision not to testify:

> 1) Were the comments 'manifestly intended' to reflect on the accused's silence or of such a character that the jury would 'naturally and necessarily' take them as such;
>
> 2) were the remarks isolated or extensive;
>
> 3) was the evidence of guilt otherwise overwhelming;
>
> 4) what curative instructions were given and when.

United States v. Farrow, 574 F. App'x 723, 729 (6th Cir. 2014) (quoting *Lent v. Wells*, 861 F.2d 972, 975 (6th Cir. 1988)).

Jurists of reason would agree that the State did not violate Lanier's right against self-incrimination when the factors are considered as a whole. A jury could have taken the prosecutor's comments as reflecting on Lanier's silence but would not necessarily have done so as the comments referred to a lack of an alibi witness. Moreover, Lanier has not shown that the comments were extensive, and, in any event, the evidence of his guilt was overwhelming. In

addition to his confession to Stornes, several people saw him with Reed shortly before Reed's death. *See Lanier*, 2013 WL 5739793, at *5, *6. Last, although no curative instruction was given, the trial court did instruct the jury that "[t]he state has the burden of proving the guilt of the defendant beyond a reasonable doubt, and this burden never shifts but remains on the state throughout the trial of the case. The defendant is not required to prove his innocence." *See Farrow*, 574 F. App'x at 730 (relying on general jury instruction when no contemporaneous curative instruction was given).

Claim 3(a): Alibi Defense

Lanier claimed that (a) original counsel Ferguson rendered ineffective assistance by failing to (i) adequately investigate whether Carter could provide alibi testimony and (ii) preserve an alibi defense by getting a sworn statement from Carter.

To establish ineffective assistance, a defendant must show both that counsel's performance was deficient and that the deficient performance prejudiced the defense. *Strickland v. Washington*, 466 U.S. 668, 687, 694 (1984). Deficient performance includes failing to conduct a reasonable investigation and unreasonably deciding that an investigation is not needed. *Id.* at 691. "[A] court must indulge a strong presumption that counsel's conduct falls within the wide range of reasonable professional assistance; that is, the defendant must overcome the presumption that, under the circumstances, the challenged action 'might be considered sound trial strategy.'" *Id.* at 689 (quoting *Michel v. Louisiana*, 350 U.S. 91, 101 (1955)). To satisfy the second prong, a "defendant must show that there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different. A reasonable probability is a probability sufficient to undermine confidence in the outcome." *Id.* at 694.

Jurists of reason would agree that Lanier failed to show that attorney Ferguson's actions prejudiced him. Carter's vague statement that he believed Lanier may have been with him on the night of the murder was insufficient to establish an alibi, and Lanier did not present any evidence to buttress Carter's statement. Moreover, witnesses who testified to seeing Lanier shortly before

the murder did not mention seeing him with or helping out a photographer (Carter's avocation, as noted above).

Claim 4: Third-Party Defense

Lanier argued that attorney Sampson failed to adequately investigate and present a third-party defense that others had a motive to kill Reed and that counsel erred by (a) calling Ladarion Starks, instead of his brother Rodney, to testify about Christopher Criswell shooting Reed's car when they were riding with him, (b) failing to call Criswell to testify as promised in opening argument, (c) failing to investigate the alibi of Maridis Mason, who knew that Reed had informed on him, (d) failing to investigate evidence related to Reed's "future actions" shortly before his death, i.e., his statements to Serita Harris and Kimbercy Washington that he was going to Auto Zone with "Big John" Hobson, and (e) failing to properly impeach Sierra Stornes's false testimony that Lanier asked her to recant when in truth her "recantation was associated with Inv[estigator] Chapman."

First, jurists of reason would agree that counsel did not render ineffective assistance when presenting a third-party defense. Lanier did not show that counsel rendered deficient performance by calling Ladarion to testify instead of Rodney. Ladarion admittedly provided damaging testimony that he saw Lanier and Reed together around 11:30 p.m. on the night of the murder and that Lanier had called Reed a snitch. *Lanier*, 2013 WL 5739793, at *6. However, Marcus Orr, who was with Ladarion that night, also testified to seeing Lanier and Reed together. *Id.* And Ladarion did testify that Criswell's girlfriend had warned Reed and the Starkses in Criswell's presence that Reed's car would be shot. *Id.* This testimony supported the desired third-party defense. Moreover, Lanier presented no evidence that Rodney, whom Reed named as a member of the theft ring, would have testified in Lanier's favor. *See Lanier*, 2020 WL 1547846, at *1, *27 & n.14.

Second, jurists of reason would agree that Lanier has not shown that counsel rendered ineffective assistance by failing to call Criswell to testify as promised. Although counsel stated in his opening argument that Criswell "had a motivation other than truthfulness" for testifying,

counsel did not describe Criswell's expected testimony, and the trial court later instructed the jury that the arguments of counsel were not evidence. Juries are presumed to follow their instructions. *See Thompson v. Rapelje*, 839 F.3d 481, 485 (6th Cir. 2016); *United States v. Johnson*, 803 F.3d 279, 282 (6th Cir. 2015). Therefore, Lanier has not demonstrated a reasonable probability that the outcome of his trial would have been different but for counsel's promise that Criswell would testify. *See Strickland*, 466 U.S. at 694.

Third, jurists of reason would agree that Lanier has not shown that counsel rendered ineffective assistance by allegedly failing to investigate Mason's alibi (that he was in jail at the time of the murder). Counsel did in fact investigate the alibi through investigator Chapman, who determined that Mason had been released on the date of the murder. *See Lanier*, 2020 WL 1547846, at *12. During post-conviction proceedings, counsel testified that he was aware of the falsehood. *See id.* at *9.

Fourth, jurists of reason would agree that Lanier has not shown that counsel rendered ineffective assistance by failing to investigate evidence related to Reed's "future actions" shortly before his death, i.e., his statements to Serita Harris and Kimbercy Washington that he was going to Auto Zone with Big John. Because another witness, Keith Harris, testified to seeing two people in Reed's car that night, Lanier contended that counsel should have argued that Big John was the other person in the car. This contention is without merit. Counsel could not have used these desired statements because they were not admissible for that purpose; they were admissible only to show the victim's future intent. *See Lanier*, 2020 WL 1547846, at *28. Therefore, counsel did not render deficient performance. Moreover, Lanier was not prejudiced because Big John testified at trial that he was with Reed for a while during the evening of the murder.

Fifth, jurists of reason would agree that Lanier has not shown that counsel rendered ineffective assistance by failing to properly impeach Stornes's testimony that Lanier asked her to recant. Lanier argued that counsel should have introduced recordings of jail telephone calls to prove that he did not contact Stornes. But Lanier failed to introduce any recordings during post-conviction proceedings, and the TCCA concluded that "counsel thoroughly impeached Ms.

Stornes at trial." *Id.* at *29. Therefore, Lanier has not demonstrated deficient performance or resulting prejudice.

Claim 5: Failure to Request Special Jury Instruction

Lanier asserted that attorney Sampson rendered ineffective assistance by failing to request a special jury instruction that he should be presumed innocent of a pending charge related to the theft ring.

Jurists of reason would agree that Lanier has not shown that counsel rendered ineffective assistance by failing to request a special jury instruction. After police testified at trial regarding the pending charges and Reed's role in Lanier's arrest, the court instructed the jury "that any acts of prior misconduct were only to be considered for the limited purpose of determining [Lanier's] motive to murder" Reed. *See Lanier*, 2020 WL 1547846, at *29. The jury was advised that it could not consider the evidence of the other misconduct to prove Lanier's disposition to commit murder, that it could disregard the evidence if it found the evidence to be untrue, and that it was to determine what weight should be given to the evidence. The TCCA determined that this instruction was appropriate, *id.*, and Lanier has not demonstrated that there was a reasonable probability that a special instruction would have changed the outcome of his trial.

Claim 6: Prosecution's Comments about the Lack of an Alibi Witness

Lanier asserted that attorney Sampson rendered ineffective assistance by failing to object to the State's comments about his lack of an alibi witness.

Jurists of reason would agree that Lanier has not shown that counsel rendered ineffective assistance by failing to object. This court has recognized that it can be reasonable trial strategy not to object to a prosecutor's argument in front of the jury to avoid drawing undue attention to the comments. *See United States v. Caver*, 470 F.3d 220, 244 (6th Cir. 2006) (citing *Ferguson v. Knight*, 809 F.2d 1239, 1243 (6th Cir. 1987)). And "any single failure to object [to closing arguments] usually cannot be said to have been error." *Lundgren v. Mitchell*, 440 F.3d 754, 774 (6th Cir. 2006). Rather, counsel's performance becomes unreasonable when he "consistently fail[s] to use objections, despite numerous and clear reasons for doing so, [such] that counsel's

failure cannot reasonably have been said to have been part of a trial strategy or tactical choice." *Id.* at 774. And Lanier has not demonstrated that there was a reasonable probability that the outcome of his trial would have been different had counsel objected. The TCCA determined on direct appeal that the comments had "little, if any, effect on the jury's verdict." *Lanier*, 2013 WL 5739793, at *17.

For these reasons, the court **DENIES** Lanier's COA application. His IFP motion is **DENIED** as moot.

ENTERED BY ORDER OF THE COURT

Kelly L. Stephens

Kelly L. Stephens, Clerk

United States Court of Appeals for the Sixth Circuit

U.S. Mail Notice of Docket Activity

The following transaction was filed on 05/23/2025.

Case Name: William Lanier v. Vincent Vantell
Case Number: 24-6007

Docket Text:
ORDER filed: The court DENIES Lanier's COA application [7261203-2]. His IFP motion is DENIED as moot [7261197-2]. Richard Allen Griffin, Circuit Judge.

The following documents(s) are associated with this transaction:
Document Description: Order

Notice will be sent to:

Mr. William Lanier
Trousdale Turner Correctional Center
140 Macon Way
Hartsville, TN 37074

A copy of this notice will be issued to:

Mr. John H. Bledsoe
Mr. Taylor Michael Durrett
Ms. Wendy R. Oliver

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

Nos. 24-5978/6064

In re: JAMES CARR POTTER II,

Movant.

Before: GILMAN, GRIFFIN, and THAPAR, Circuit Judges.

JUDGMENT

THIS MATTER came before the court upon the motions by James Carr Potter II to authorize the district court to consider a second or successive 28 U.S.C. § 2254 petition for a writ of habeas corpus.

UPON FULL REVIEW of the record and any submissions by the parties,

IT IS ORDERED that the motions for authorization are DENIED.

ENTERED BY ORDER OF THE COURT

Kelly L. Stephens

Kelly L. Stephens, Clerk

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