

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

ROLLY O. KINNELL,

Petitioner,

v.

CASE NO. 00-3235-SAC

STATE OF KANSAS, et al.,

Respondents.

O R D E R

In a Memorandum and Order dated December 14, 2001, the court denied petitioner's application for a writ of habeas corpus under 28 U.S.C. 2254, and denied all other relief requested by petitioner. Petitioner filed no appeal.

Petitioner thereafter sought relief from that order and judgment. The court construed this pleading as petitioner's attempt to file a second or successive habeas petition, and transferred the matter to the Tenth Circuit Court of Appeals. See Lopez v. Douglas, 141 F.3d 974 (10th Cir. 1998); Coleman v. United States, 106 F.3d 339, 341 (10th Cir. 1997). In an order dated October 3, 2003, the circuit court denied authorization for petitioner to proceed in district court.

Before the court is petitioner's pleading titled as a motion for a hearing before a three judge panel (Doc. 54). Having reviewed this pleading, the court finds nothing to suggest this pleading should construed as a successive habeas petition warranting transfer to the Tenth Circuit Court of Appeals, see Gonzalez v. Crosby, 125 S.Ct. 2641, 2650 (2005), and further

finds no sound legal or factual basis exists for petitioner's various requests for relief.

IT IS THEREFORE ORDERED that petitioner's motion (Doc. 54) is denied.

**IT IS SO ORDERED.**

DATED: This 21st day of September 2005 at Topeka, Kansas.

s/ Sam A. Crow  
SAM A. CROW  
U.S. Senior District Judge