

that request for en banc review with a statement of additional authority. Finally, petitioner has applied for leave to file a new habeas corpus petition in No. 01-6487.

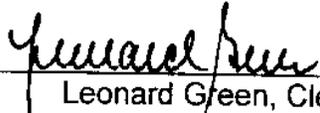
The requests for en banc consideration have not been favored by a majority of the active judges of the court, and the matter is referred to the original panel. Upon consideration of the pleadings noted above, it is the decision of the court that:

- Petitioner's motion for rehearing of Nos. 98-6568/6569 is hereby DENIED
- Petitioner's motion to consolidate No. 01-6504 with Nos. 98-6568/6569 is hereby DENIED
- The mandate of the court in Nos. 98-6568/6569 shall issue forthwith
- The order construing an ostensible Rule 60(b) motion as an application for leave to file a second habeas corpus petition and transferring it to the court of appeals is not an appealable order in No. 01-6504, which is therefore DISMISSED for lack of jurisdiction
- The motions for initial hearing en banc of No. 01-6504 and for rehearing of the court's denial of a certificate of appealability in the matter are hereby DENIED
- The application for leave to file a second habeas corpus petition, as transferred to this court by the district court in No. 01-6487, is DENIED. As we stated in an opinion filed in Nos. 98-6568/6569; 01-6504 on January 18, 2002. "...the decision of this court on appeal from the judgment of the district court did not rest upon any procedural default."

With this order the court's review of Nos. 98-6568/6569, 01-6487, and 01-6504 is hereby concluded.

IT IS SO ORDERED.

ENTERED BY ORDER OF THE COURT


Leonard Green, Clerk