

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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MICHAEL A. SVEUM,

Petitioner,

ORDER

v.

00-C-563-C

JUDY SMITH, Warden, Oshkosh  
Correctional Institution,

Respondent.

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Michael A. Sveum asks this court to reconsider its order of April 21, 2005, denying his motion under Fed. R. Civ. P. 60(b) to vacate a four-year old judgment denying his petition for a writ of habeas corpus under 28 U.S.C. § 2254. Having read petitioner's motion for reconsideration, I find nothing therein to persuade me that I was wrong in concluding that although petitioner labeled his motion as one brought pursuant to Fed. R. Civ. P. 60(b), it was in effect an unauthorized successive habeas petition.

Petitioner asserts that the March 31, 2005 order of the court of appeals upon which this court relied as a basis for denying his motion "conflicts with Seventh Circuit and United States Supreme Court precedent." However, this court is bound by decisions of the Court of Appeals for the Seventh Circuit. If petitioner thinks the court of appeals erred in finding that his previous, identical motion filed under Rule 60(b) was an unauthorized successive petition, he should ask that court to reconsider its ruling or he should file a petition for a

writ of certiorari with the United States Supreme Court. Redress does not lie in this court.

Accordingly, petitioner's motion for reconsideration is DENIED.

Entered this 3<sup>rd</sup> day of May, 2005.

BY THE COURT:

/s/

BARBARA B. CRABB  
District Judge