

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

PHILIP R. WORKMAN,)
)
 Petitioner-Appellant,)
)
 v. (96-6652))
)
 RICKY BELL, Warden, Riverbend Maximum)
 Security Institution,)
)
 Respondent-Appellee.)
)
 -----)
)
 In re PHILIP R. WORKMAN,)
)
 Movant. (00-5357))

FILED

MAR 28 2001

LEONARD GREEN, Clerk

ORDER

Before: RYAN, SILER, and COLB, Circuit Judges.

The petitioner is a Tennessee death row inmate whose execution is scheduled for March 30, 2001. On October 30, 1998, a panel of this court affirmed the district court's denial of his petition for a writ of habeas corpus. *Workman v. Bell*, 160 F.3d 276 (6th Cir.1998), *republished at* 178 F.3d 759 (1998), *cert. denied*, 528 U.S. 913, *reh. denied*, 528 U.S. 1040 (1999). On September 5, 2000, this court, sitting en banc, denied the petitioner's motion to recall the mandate on grounds of fraud on the court. *Workman v. Bell*, 227 F.3d 311 (6th Cir. 2000) (en banc). The United States Supreme Court again denied a petition for a writ of certiorari. *Workman v. Bell*, No. 00-7620 (U.S. Feb. 25, 2001).

The petitioner thereafter filed, on March 8, 2001, a motion to declare void the execution date set by the Tennessee Supreme Court. That motion was referred to the en banc court which denied relief in an order entered on March 21, 2001. The mandate of this court issued on the same date.

Meanwhile, on March 19, 2001, the petitioner filed with this court a second motion to reopen his appeal in order to appoint a special master to investigate allegations of fraud on the court. That motion was denied in an order of March 23, 2001. The petitioner now moves for rehearing of that motion, with a suggestion for rehearing en banc.

The petition for rehearing has been circulated not only to the original members of this panel, but also to all other active judges of this court. Because less than a majority of judges have voted for en banc consideration, the petition for rehearing has been referred to the original panel.

The panel has further reviewed the petition for rehearing and concludes that the issues raised in the petition were fully considered upon the original submission and decision of the motion. Accordingly, the petition is denied.

The mandate issued by this court on March 21, 2001, remains in effect.

ENTERED BY ORDER OF THE COURT


Clerk