

IN THE
UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED

MAR 22 2001

LEONARD GREEN, Clerk

PHILIP R. WORKMAN,)
Petitioner-Appellant,)

v.)

RICKY BELL, Warden,)
Respondent-Appellee.)

No. 96-6652

In re PHILIP R. WORKMAN,)
Movant.)

No. 00-5367

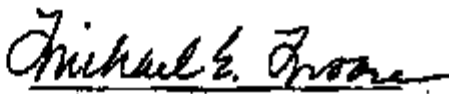
**RESPONSE TO PETITIONER'S "SUPPLEMENTAL MEMORANDUM
TO MOTION TO REOPEN AND TO APPOINT A SPECIAL MASTER"**

Workman's filing of a supplemental memorandum in support of his motion to reopen, two days after the filing of his motion and original memorandum, tends to underscore one thing: not only does he seek reconsideration of this Court's previous denial of his motion for leave to file as second habeas petition, but he seeks reconsideration — from this Court, no less — of the unfavorable result of his clemency hearing. Unhappy with, but apparently undeterred by, the clemency hearing's rules against cross-examination, he seeks to use this Court as a forum to conduct such cross-examination — and besmirch another reputation in the process. But it is not the function of this Court to address these seemingly endless complaints. If nothing else, one thing is clear: the substantive merits of the clemency decision — which, of course,

has not even been rendered yet — is not subject to review by a federal court. *Davall v. Keating*, 162 F.3d 1058, 1061 (10th Cir. 1998). If he wishes to bring these complaints to the Governor of Tennessee, he may do so; but he has not, which speaks volumes. Workman's motion to reopen and to appoint a special master should be denied.

Respectfully submitted,

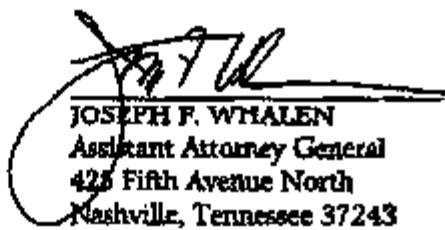
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