

**United States Court of Appeals  
FOR THE EIGHTH CIRCUIT**

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No. 05-4090

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Eric Randall Nance,	*	
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Petitioner/Appellee,	*	
	*	Appeal from the United States
v.	*	District Court for the Eastern
	*	District of Arkansas
Larry Norris, Director,	*	
Arkansas Department of	*	[PUBLISHED]
Correction,	*	
	*	
Respondent/Appellant.	*	

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Submitted: November 22, 2005  
Filed: November 22, 2005

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Before ARNOLD, BEAM, and MELLOY, Circuit Judges.

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PER CURIAM.

Before the court is respondent's motion to vacate a stay of execution entered by the district court. We grant the motion and vacate the stay.

On November 14, 2005, petitioner filed a pleading captioned "Petition for Writ of Habeas Corpus" accompanied by a motion for stay of execution. The district court

construed the petition as a requested amendment to the previously filed<sup>1</sup> petition in district court, case number: 5:00-CV-00339 ("CV-00339"). The district court, after making findings of fact and conclusions of law, granted a motion to amend the habeas corpus petition, and granted the stay of execution.

On January 24, 2005, petitioner filed a petition to remand in CV:00339 seeking the same relief sought in the present filings. Construing the motion to remand as a motion to file a successive 28 U.S.C. § 2244 habeas petition, we denied the motion. We view the present filings as yet another attempt to avoid the requirements of 28 U.S.C. § 2244(b)(3)(A).

Accordingly, we deny a motion for interlocutory appeal, vacate the district court's stay of execution and dismiss the petition for habeas corpus.

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<sup>1</sup>On January 23, 2003, the district court denied habeas relief and dismissed CV-00339. We affirmed this action on December 10, 2004. Our mandate issued on October 12, 2005. The case is closed.