

July 26, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-10399
Summary Calendar

BOBBY W. WILLARD,

Petitioner-Appellant,

versus

DOUG DRETKE, DIRECTOR, TEXAS
DEPARTMENT OF CRIMINAL JUSTICE,
CORRECTIONAL INSTITUTIONS DIVISION,

Respondent-Appellee.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 5:02-CV-111-C

Before JONES, BARKSDALE, and PRADO, Circuit Judges.

PER CURIAM:*

Bobby W. Willard, Texas prisoner # 921559, requests a certificate of appealability ("COA") to appeal the denial of his FED. R. CIV. P. 60(b) motion. By that motion, Willard sought to reopen the case dismissing 28 U.S.C. § 2254 petition in order to enable him to pursue an appeal after his original appeal was dismissed for lack of jurisdiction.

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

Contrary to Willard's assertion, a COA is not required. See Dunn v. Cockrell, 302 F.3d 491, 492 (5th Cir. 2002), cert. denied, 537 U.S. 1181 (2003). The COA request is therefore DENIED AS UNNECESSARY. See id. The district court's denial of Willard's FED. R. CIV. P. 60(b) motion is AFFIRMED. See id.

COA DENIED AS UNNECESSARY; AFFIRMED.