

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

United States Court of Appeals  
Fifth Circuit

**FILED**

June 3, 2011

Lyle W. Cayce  
Clerk

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No. 10-31162  
Summary Calendar

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ANTONIO TYSON,

Petitioner–Appellant,

v.

WALTER REED, District Attorney; ROBERT C. TANNER, Warden;  
LOUISIANA STATE,

Respondents–Appellees.

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Appeal from the United States District Court  
for the Eastern District of Louisiana  
USDC No. 2:09-CV-7619

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Before WIENER, PRADO, and OWEN, Circuit Judges.

PER CURIAM:\*

Antonio Tyson, Louisiana prisoner # 331834, has filed a motion for a certificate of appealability (COA) challenging his convictions for forcible rape, armed robbery, and aggravated burglary. Tyson seeks to appeal the denial of his Federal Rule of Civil Procedure 60(b) motion.

To the extent that a COA is required, it is denied. *See Slack v. McDaniel*, 529 U.S. 473, 484 (2000). To the extent that a COA is not required, the district

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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court's judgment denying the Rule 60(b) motion is affirmed. *See Bailey v. Cain*, 609 F.3d 763, 767 (5th Cir. 2010), *cert. denied*, 131 S. Ct. 931 (2011); *Seven Elves, Inc. v. Eskenazi*, 635 F.2d 396, 402 (5th Cir. Unit A Jan. 1981). The motion for appointment of counsel is also denied. *See Jackson v. Dallas Police Dep't*, 811 F.2d 260, 261-62 (5th Cir. 1986) (*per curiam*); *Schwander v. Blackburn*, 750 F.2d 494, 502-03 (5th Cir. 1985).

AFFIRMED; MOTIONS DENIED.