

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-11216
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

RANDY LEE HADDERTON,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 5:94-CR-15-1-C

February 26, 2001

Before SMITH, BENAVIDES, and DENNIS, Circuit Judges.

PER CURIAM:*

Randy Lee Hadderton, federal prisoner # 25439-007, appeals the district court's denial of relief on his "Petition for Relief from Judgment," which challenged his conviction and sentence and was purportedly brought under FED. R. CIV. P. 60(b) or 28 U.S.C. § 2241. He asserts that because he was denied relief on his original motion to vacate his sentence under 28 U.S.C. § 2255 and because this court denied him leave to file a second or successive § 2255 motion, this remedy is inadequate and ineffective and his "petition" in the district court should be reviewed as a Rule 60(b)

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

motion, a § 2241 petition, or a petition for a writ of error *coram nobis*. He is not entitled to review on any of these grounds. See Pack v. Yusuff, 218 F.3d 448, 451-52 (5th Cir. 2000); United States v. Rich, 141 F.3d 550, 551-53 (5th Cir. 1998), cert. denied, 526 U.S. 1011 (1999); United States v. Hatten, 167 F.3d 884, 887 n.6 (5th Cir. 1999). Hadderton's complaint that he did not receive an evidentiary hearing in the district court is without merit, as he did not show that he was entitled to file his "petition" in the district court. See Ellis v. Lynaugh, 873 F.2d 830, 840 (5th Cir. 1989). The district court's denial of relief is AFFIRMED.

Hadderton has also moved for appointment of counsel on appeal, has filed three requests for stays of the proceedings so that he can supplement the record, has moved for this court to compel discovery, and has requested an evidentiary hearing on appeal. These motions are DENIED.

AFFIRMED; MOTIONS DENIED.