IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

PHILIP RAY WORKMAN,	)	
	)	
Respondent/Defendant,	)	
	)	
v.	)	S.Ct. No.M1999-01334-SC-DPE-PD
	)	
STATE OF TENNESSEE,	)	Filed: September 18, 2000 - 12:28 p.m.
	)	
Movant.	)	

REPLY TO RESPONSE TO MOTION
TO RESET EXECUTION DATE

Nearly a year ago, the petitioner, Philip Ray Workman, asked this Court to refrain from setting an execution date, citing his right to file a petition for rehearing of the United States Supreme Court's denial of certiorari in his federal habeas corpus case. Workman now asks this Court to again refrain from setting an execution date, citing a petition he has filed with the United States Court of Appeals for the Sixth Circuit for rehearing *en banc* of its September 5, 2000, *en banc* decision denying his motion to reopen his federal habeas corpus case. This time, however, Workman has no such remedy available to him. Neither the Federal Rules of Appellate Procedure nor the Sixth Circuit Rules makes any provision for filing a second petition to rehear *en banc* a decision rendered upon rehearing *en banc*, and Workman cites to no such rule in his filing with the Sixth Circuit. The 1986 United States Supreme Court case on which he relies fails to support the proposition that he has such a remedy.[1]

[1] The only portion of the opinion in *Darden v. Wainwright* [illegible] *en banc* [illegible] See *Darden v.*