IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TENNESSEE AT KNOXVILLE

STEPHEN MICHAEL WEST)
Petitioner, v .))) Case No: 3:01-cv-091) (Varlan/Shirley)) DEATH PENALTY) EXECUTION SCHEDULED
RICKY BELL, Warden,) November 9, 2010
Respondent.)

NOTICE OF APPEAL FROM A JUDGMENT OF THE EASTERN DISTRICT OF TENNESSEE TO THE SIXTH CIRCUIT COURT OF APPEALS

Notice is hereby given that Stephen Michael West, Petitioner in the above named case, hereby appeals to the United States Court of Appeals for the Sixth Circuit from that portion of the final judgment entered in this action on October 27, 2010, which holds his Motion for Relief from Judgment is a successor petition and that, to the extent it is a true 60(b) motion, it is without merit. (R. 216; R. 217).

Respectfully submitted,

FEDERAL DEFENDER SERVICES OF EASTERN TENNESSEE, INC. <u>s/Stephen A. Ferrell</u> Stephen A. Ferrell Asst. Federal Defender 800 S. Gay Street, Suite 2400 Knoxville, TN 37929-9729 (865)637-7979

MILLER & MARTIN LLP <u>s/Roger W. Dickson</u> Roger W. Dickson 832 Georgia Avenue, #1000 Chattanooga, TN 37402-2289 (423) 756-6600

CERTIFICATE OF SERVICE

I hereby certify that on October 27, 2010, the foregoing Notice of Appeal From a Judgment of The Eastern District of Tennessee to the Sixth Circuit Court of Appeals was filed electronically. Notice electronically mailed by the Court's electronic filing system to Jennifer L. Smith, Associate Deputy Attorney General, at <u>Jennifer.Smith@ag.tn.gov</u>. Notice delivered by other means to all other parties via regular U.S. Mail. Parties may access this filing through the Court's electronic filing system.

> FEDERAL DEFENDER SERVICES OF EASTERN TENNESSEE, INC.

BY: <u>/s/Stephen A. Ferrell</u> Stephen A. Ferrell Asst. Federal Community Defender 800 South Gay Street, Suite 2400 Knoxville, TN 37929 (865)637-7979

COUNSEL FOR PETITIONER