## VII. CONCLUSION

For all of the foregoing reasons, we affirm the district court's order of January 17, 2006.

AFFIRMED.

**Daniel SIEBERT, Petitioner–Appellant,**

**v.**

**Richard F. ALLEN, Commissioner, Alabama Department of Corrections, Respondent–Appellee.**

**No. 06–11841.**

United States Court of Appeals, Eleventh Circuit.

March 7, 2007.

**Background:** Petitioner, convicted in two separate cases in state court of murder, and sentenced to death, having exhausted state-court appeals, 555 So.2d 780, 562 So.2d 600, and postconviction remedies, 778 So.2d 842, sought federal habeas relief. The United States District Court for the Middle District of Alabama, No. 01-01097-CV-A-E, W. Harold Albritton, III, Chief Judge, 193 F.Supp.2d 1260, and the United States District Court for the Northern District of Alabama, No. 01-02323-CV-J-E, Inge P. Johnson, J., dismissed petitions as untimely. The Court of Appeals, 334 F.3d 1018, reversed and remanded. On remand in one matter, the United States District Court for the Northern District of Alabama, No. 01-02323-CV-IJP-TMP, Inge P. Johnson, J., again dismissed petition as untimely, and petitioner appealed.

**Holding:** The Court of Appeals, Barkett, Circuit Judge, held that prior Court of Appeals decision was law of the case as to whether petitioner's state petition for post-conviction relief had been properly filed and thereby tolled the limitations period for federal relief.

Reversed and remanded.

**Habeas Corpus ⚷861**

Court of Appeals decision finding that federal habeas petitioner's earlier state petition for postconviction relief had been properly filed, so that the federal statute of limitations was tolled and his federal petition was timely, was law of the case for purpose of proceedings on remand in federal district court, and thus, district court, on remand, could not again dismiss petition as untimely based on its determination that Court of Appeals decision had been superseded by Supreme Court's decision in *Pace v. DiGuglielmo*; *Pace* did not address question presented in first appeal, namely, a statute of limitations that operated as an affirmative defense. 28 U.S.C.A. §§ 2244(d), 2254.

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Anne Borelli (Court–Appointed), Leslie S. Smith (Court–Appointed), Montgomery, AL, LaJuana S. Davis (Court–Appointed), Equal Justice Initiative of Alabama, Montgomery, AL, for Petitioner–Appellant.

J. Clayton Crenshaw, Kevin Christopher Newsom, Montgomery, AL, for Respondent–Appellee.

For the same reasons we affirm the district court's grant of summary judgment to Miami–Dade on Bircoll's ADA claims, we also affirm the summary judgment granted to Miami–Dade on Bircoll's Rehabilitation Act claims. *See Cash v. Smith,* 231 F.3d 1301, 1305 & n. 2 (11th Cir.2000) (stating that "[d]iscrimination claims under the Rehabilitation Act are governed by the same standards used in ADA cases," and "[c]ases decided under the Rehabilitation Act are precedent for cases under the ADA, and vice-versa").

Appeal from the United States District Court for the Northern District of Alabama.

Before TJOFLAT, BARKETT and WILSON, Circuit Judges.

BARKETT, Circuit Judge:

Daniel Siebert filed a federal habeas petition pursuant to 28 U.S.C. § 2254 on September 14, 2001 challenging the validity of his conviction and sentence for the murder of Linda Jarman. The district court dismissed it as being untimely filed pursuant to 28 U.S.C. § 2244(d). This court reversed and remanded, finding that his state petition had been properly filed so that his one year federal statute of limitations was tolled, making his federal petition timely. We thus remanded for further proceedings. *Siebert v. Campbell,* 334 F.3d 1018 (11th Cir.2003) ("*Siebert I*"). However, instead of further proceedings, the district court revisited the timeliness issue and again dismissed the petition as untimely, finding that *Pace v. DiGuglielmo,* 544 U.S. 408, 125 S.Ct. 1807, 161 L.Ed.2d 669 (2005), superseded our decision in *Siebert I.* We find that the law of the case applies, noting that *Pace* did not address the question presented in *Siebert I,* to wit: a statute of limitations that operated as an affirmative defense. However, rather than continuing piecemeal litigation and revisiting our opinion in *Siebert I* in light of *Pace,* we again reverse and remand for further proceedings, including questions of procedural bar and the resolution of claims which were exhausted on direct appeal.

REVERSED AND REMANDED.

**Kevin DANLEY, Plaintiff–Appellee,**

**v.**

**Ruby ALLEN, et al., Defendants,**

**Jackie Rikard, Ronnie Willis, Ruby Allyn, Defendants–Appellants.**

**Kevin Danley, Plaintiff–Appellee,**

**v.**

**Steve Woods, Defendant–Appellant.**

**Kevin Danley, Plaintiff–Appellee,**

**v.**

**Jeff Wood, Defendant–Appellant.**

**Nos. 06–14466, 06–14808 and 06–15580 Non–Argument Calendar.**

United States Court of Appeals, Eleventh Circuit.

March 8, 2007.

**Background:** Pretrial detainee brought § 1983 action against detention officers, alleging that he was subjected to excessive force and then denied medical treatment when they sprayed him with pepper spray. Officers moved to dismiss on the basis of qualified immunity. The United States District Court for the Northern District of Alabama, Nos. 06-00680-CV-CV-IPJ, 06-00680-CV-3-IPJ, and 06-00680-CV-IPJ, Inge P. Johnson, J., entered orders denying the motions to dismiss. Officers appealed.

**Holding:** The Court of Appeals held that the district court's one-sentence orders, which were devoid of any facts and any legal analysis, wholly failed to provide the court with an opportunity to conduct meaningful appellate review.

Vacated and remanded.