

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

OSCAR LEE HILLIARD, Jr.,

Petitioner,

Civil No. 5:07-14409

HONORABLE JOHN CORBETT O'MEARA

v.

UNITED STATES DISTRICT JUDGE

BRUCE CURTIS,

Respondent,

**OPINION AND ORDER DENYING THE
MOTION FOR RECONSIDERATION**

On July 28, 2008, this Court denied petitioner's motion for the appointment of counsel to assist him with his habeas corpus petition filed pursuant to 28 U.S.C. § 2254. Before this Court is petitioner's motion for reconsideration.

U.S. Dist.Ct. Rules, E.D. Mich. 7.1 (h) allows a party to file a motion for reconsideration. However, a motion for reconsideration which presents the same issues already ruled upon by the court, either expressly or by reasonable implication, will not be granted. *Ford Motor Co. v. Greatdomains.com, Inc.*, 177 F. Supp. 2d 628, 632 (E.D. Mich. 2001); *See also Williams v. McGinnis*, 192 F. Supp. 2d 757, 759 (E.D. Mich. 2002). A motion for reconsideration should be granted if the movant demonstrates a palpable defect by which the court and the parties have been misled and that a different disposition of the case must result from a correction thereof. *Williams*, 192 F. Supp. 2d at 759; *MCI Telecommunications Corp. v. Michigan Bell Telephone Co.*, 79 F. Supp. 2d 768, 797 (E.D. Mich. 1999). A palpable defect is a defect that is obvious, clear, unmistakable, manifest, or plain. *Witzke v. Hiller*, 972 F. Supp. 426, 427 (E.D. Mich.

1997).

Petitioner's motion for reconsideration will be denied, because petitioner is merely presenting issues which were already ruled upon by this Court, either expressly or by reasonable implication, when the Court denied petitioner's motion for the appointment of counsel. *Hence v. Smith*, 49 F. Supp. 2d 549, 553 (E.D. Mich. 1999). As previously indicated, the Court will reconsider petitioner's motion for the appointment of counsel if, following review of the responsive pleadings and Rule 5 materials, the court determines that appointment of counsel is necessary.

ORDER

Based upon the foregoing, IT IS ORDERED that the motion for reconsideration [Dkt. Entry # 13] is **DENIED**.

s/John Corbett O'Meara
United States District Judge

Date: December 22, 2008

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, December 22, 2008, by electronic and/or ordinary mail.

sWilliam Barkholz
Case Manager