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had forfeited his Double Jeopardy claim by failing to raise it on appeal. [[Doc. 20](#); [Doc. 21](#).] On May 13, 2010, Powers filed a Rule 60(b)(6) for relief from judgment and a Rule 12(f) motion to strike Respondent Bobby's opposition to the 60(b)(6) motion. [[Doc. 22](#).] This Court denied that motion. [[Doc. 27](#).]

On October 22, 2010, Petitioner Powers filed the instant motion for reconsideration. Powers challenges the application of *res judicata* and procedural default to preclude his ineffective assistance of trial and appellate counsel claims. Powers also asserts that his conviction on two counts against him, following dismissal of two other counts, placed him in double jeopardy. [[Doc. 28](#).]

Because Powers's arguments ultimately challenge the Sixth Circuit's order, this Court does not have jurisdiction to consider his motion.

Moreover, to the extent that any part of Powers's motion asks this Court only to reconsider its Opinion and Order denying Powers's Rule 60(b)(6) motion for relief from judgment, the Court finds that the Petitioner merely repeats arguments already made to this Court. A court may grant a motion to amend or alter judgment if a clear error of law or newly discovered evidence exists, an intervening change in controlling law occurs, or to prevent manifest injustice. See [Gencorp, Inc. v. Am. Int'l Underwriters](#), 178 F.3d 804, 834 (6th Cir. 1999). However, "[i]t is not the function of a motion to reconsider either to renew arguments already considered and rejected by a court or 'to proffer a new legal theory or new evidence to support a prior argument when the legal theory or argument could, with due diligence, have been discovered and offered during the initial consideration of the issue.'" [McConocha v. Blue Cross & Blue Shield Mut. of Ohio](#), 930 F. Supp. 1182, 1184 (N.D. Ohio 1996) (quoting [In re August 1993 Regular Grand Jury](#), 854 F. Supp. 1403,

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1408 (S.D. Ind. 1994)).

For the foregoing reasons, the Court **DENIES** the Petitioner's motion for reconsideration.

IT IS SO ORDERED.

Dated: November 19, 2010

s/ *James S. Gwin*
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE