

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

STEVEN A. FEGEL,

:

Case No. 3:08-cv-061

Plaintiff,

District Judge Walter Herbert Rice
Magistrate Judge Michael R. Merz

-vs-

MICHAEL J. ASTRUE,
COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

:

DECISION AND ORDER STRIKING MOTION FOR RECONSIDERATION

On November 5, 2009, the United States Court of Appeals for the Sixth Circuit filed an Order dismissing Plaintiff's appeal because it was untimely filed (Doc. No. 18). Plaintiff has now filed in this Court a request for reconsideration which clearly seeks reconsideration by the Court of Appeals.

This Court has no authority to grant any reconsideration of a decision by the Court of Appeals, nor even any authority to accept motions on behalf of that Court. Plaintiff's Motion for Reconsideration is STRICKEN. If he wishes to ask the Court of Appeals to reconsider, he should send a motion for reconsideration to that Court at the Potter Stewart Courthouse, Fifth and Walnut Streets, Cincinnati, Ohio 45202 and include in it the Court of Appeals case number which is 09-3727.

December 17, 2009.

s/ **Michael R. Merz**
United States Magistrate Judge