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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Robert Hemmerle,)
)
 Petitioner,)
 vs.)
 Charles L. Ryan, et al.,)
 Respondents.)

No. CV-04-0315-PHX-PGR

ORDER

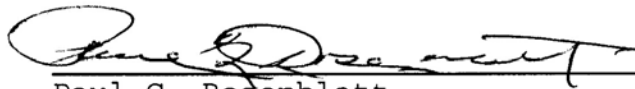
This Court dismissed the petitioner’s habeas petition, filed pursuant to 28 U.S.C. § 2254, as time-barred on May 12, 2006. The Ninth Circuit, agreeing that the habeas petition was filed after the expiration of the AEDPA’s statute of limitations, affirmed the dismissal on appeal, Hemmerle v. Schriro, 495 F.3d 1069 (9th Cir.2007), and subsequently denied the petitioner’s request for rehearing. The Supreme Court denied the petitioner’s petition for certiorari and then denied the petitioner’s request for rehearing. This Court summarily denied the petitioner’s Motion for Reconsideration on January 8, 2008, and then entered an order on December 3, 2009 that denied the petitioner’s Rule 60(b) Motion; that order included a finding that no certificate of appealability should issue.

Notwithstanding the above, the petitioner has now filed a Motion for Reconsideration of the Order Denying the Rule 60(b) Motion (doc. #72), wherein

1 he requests that the Court grant a certificate of appealability regarding the Rule
2 60(b) motion. The Court finds that the motion should be summarily denied
3 because the Court has already stated why it will not issue a certificate of
4 appealability and nothing in the petitioner's motion raises any grounds not already
5 rejected by the Court. Therefore,

6 IT IS ORDERED that the petitioner's Motion for Reconsideration of the
7 Order denying the Rule 60(b) Motion (doc. #72) is denied.

8 DATED this 16th day of December, 2009.

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11 Paul G. Rosenblatt
12 United States District Judge
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