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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

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Omar Hernandez,

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No. CV-07-1712-PHX-DGC (MEA)

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Petitioner,

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**ORDER**

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vs.

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Joseph M. Arpaio, et al.,

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Respondents.

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Petitioner Omar Hernandez, a state prisoner, commenced this action by filing a petition for writ of habeas corpus in September 2007. Dkt. #1. On February 11, 2008, the Court rejected in part the Magistrate Judge’s first report and recommendation (“R&R”). Dkt. #14; *see* Dkt. #12. The Court agreed that Petitioner had filed his petition after expiration of the one-year limitations period of the Antiterrorism and Effective Death Penalty Act (“AEDPA”), and that statutory tolling did not apply. *Id.* Contrary to the first R&R, however, the Court concluded that equitable tolling was not foreclosed by a recent Supreme Court decision. *Id.* On April 11, 2008, the Court entered an order accepting the Magistrate Judge’s second R&R, which recommended that the petition be denied as untimely. Dkt. #18; *see* Dkt. #15. Petitioner has filed motions for reconsideration. Dkt. ##22-23. The Court will deny the motions.

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This Court’s Local Rules of Civil Procedure provide that, “[a]bsent good cause shown, any motion for reconsideration shall be filed no later than ten (10) days after the date of the filing of the Order that is the subject of the motion.” LRCiv 7.2(g)(2). The Court’s

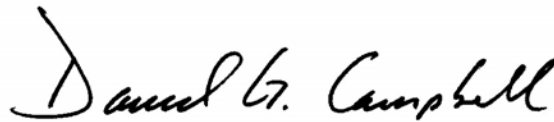
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1 order denying the petition was filed on April 11, 2008. Dkt. #18. The deadline for filing  
2 motions for reconsideration from that order was therefore April 28, 2008. *See* LRCiv  
3 7.2(g)(2); Fed. R. Civ. P. 6(a), (e). Petitioner filed his first motion for reconsideration on  
4 October 27, 2008, nearly six months late. *See* Dkt. #23. The second motion for  
5 reconsideration was filed nearly seven months late on November 20, 2008. *See* Dkt. #22.  
6 Petitioner has not shown good cause for his delay. The Court accordingly will deny the  
7 motions for reconsideration as untimely.

8 **IT IS ORDERED** that Petitioner's motions for reconsideration (Dkt. ##22-23)  
9 are **denied**.

10 DATED this 16th day of January, 2009.

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David G. Campbell  
United States District Judge