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

Victor O’Neil Dema, as Natural Father of
Child H.R.D. (D.O.B. 1997),

Petitioners,

vs.

Arizona State Department of Economic
Security, et al.,

Respondents.

No. CV-11-149-PHX-DGC (LOA)

ORDER

In an order dated March 24, 2011, the Court dismissed the petition for writ of habeas corpus filed by Petitioner Victor Dema and his “Co-Petitioning child” on the ground that the Court is without jurisdiction over habeas actions challenging the custody of a minor child placed in foster homes pursuant to a state court order. Doc. 4. Petitioner Dema has filed a motion for reconsideration of that order. Doc. 6. Petitioner also has filed a motion to extend the time to file a notice of appeal (Doc. 7) and a motion for leave to appeal in forma pauperis (Doc. 9).

Motions for reconsideration are disfavored and should be granted only in rare circumstances. Such a motion is denied “absent a showing of manifest error or a showing of new facts or legal authority that could not have been brought to [the Court’s] attention earlier with reasonable diligence.” LRCiv 7.2(g)(1); *see Carroll v. Nakatani*, 342 F.3d 934, 945 (9th Cir. 2003). Mere disagreement with an order is an insufficient basis for

1 reconsideration. *See Ross v. Arpaio*, No. CV 05-4177-PHX-MHM, 2008 WL 1776502,
2 at *2 (D. Ariz. Apr. 15, 2008).

3 Having carefully reviewed Petitioner Dema's motion, the Court finds no basis for
4 reconsidering the March 24 order dismissing the habeas petition. In short, Petitioner's
5 claims "challenging the state court's determinations regarding his parental rights and the
6 custody of his child[] are not cognizable for federal habeas relief." *Marquez v. Santa*
7 *Cruz County Super. Ct.*, No. C 09-5397 WHA (PR), 2009 WL 4507747, at *1 (N.D. Cal.
8 Nov. 30, 2009) (citing *Lehman v. Lycoming County Children's Servs.*, 458 U.S. 502,
9 511-12 (1982)). The motion for reconsideration (Doc. 6) will be denied.

10 Petitioner's motion to extend the time to file a notice of appeal (Doc. 7) will be
11 granted. The notice of appeal filed on April 25, 2011 (Doc. 8) is deemed timely filed.
12 *See Fed. R. App. P. 4(a)(5)*. Petitioner's motion for leave to appeal in forma pauperis
13 (Doc. 9) will be denied as the Court finds the appeal to be not taken in good faith. *See*
14 *Fed. R. App. P. 24(a)*.

15 **IT IS ORDERED:**

- 16 1. The motion for reconsideration (Doc. 6) is **denied**.
- 17 2. The motion to extend the time to file a notice of appeal (Doc. 7) is **granted**.
- 18 3. The motion for leave to appeal in forma pauperis (Doc. 9) is **denied**.
- 19 4. No further motions for reconsideration shall be filed.

20 Dated this 12th day of July, 2011.

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25 David G. Campbell
26 United States District Judge
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