

1 WO
2
3
4
5

6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
8

9 Sean Christopher Steward,
10 Movant/Defendant,
11 v.
12 USA,
13 Respondent/Plaintiff.
14

No. CV-15-00578-PHX-JAT
CR-11-126-PHX-JAT

ORDER

15 On March 30, 2015, Movant filed a motion to vacate, set aside or correct sentence.
16 On April 19, 2016, this Court denied that motion and entered judgment accordingly. This
17 Court also denied a certificate of appealability. Movant appealed. On November 22,
18 2016, the Ninth Circuit Court of Appeals denied a certificate of appealability.

19 On January 9, 2017, Movant filed a motion for reconsideration of this Court's
20 April 19, 2016 decision. By local rule, motions for reconsideration are due within 14
21 days of the order they seek to have reconsidered. LR Civ. 7.2(g)(2). If this Court
22 construed this filing as a motion to alter or amend the judgment, any such motion was
23 due within 28 days of the judgment. Fed.R.Civ.Pro. 59(e). Under either authority,
24 Movant's motion is untimely and is denied as such.

25 Finally, if Movant intended this motion to be a Federal Rule of Civil Procedure 60
26 motion, it fails because Movant has not made any of the required showings under Rule
27 60. *See Jordan v. Ryan*, CV-14-0747-PHX-JAT (D. Ariz. July 8, 2016).

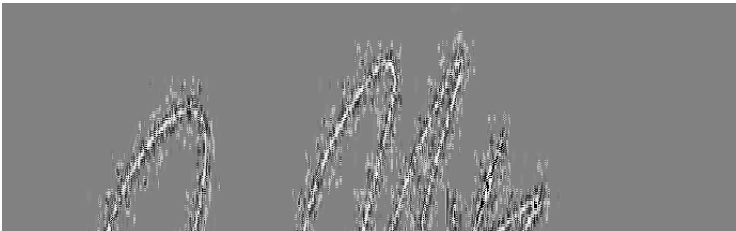
28 Based on the foregoing,

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IT IS ORDERED that the motion for reconsideration (Doc. 17) is denied.

IT IS FURTHER ORDERED that to the extent a ruling on a certificate of appealability might be required,¹ a certificate of appealability is denied.

Dated this 27th day of January, 2017.



¹ See *United States v. Winkles*, 795 F.3d 1134, 1142 (9th Cir. 2015) (certificate of appealability is required to appeal the denial of a Rule 60(b) motion arising out of the denial of a section 2255 motion).