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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Louis Joseph Cassise,  
Petitioner,  
vs.  
Charles L. Ryan, et al.,  
Respondents.

No. CV-15-01281-PHX-PGR  
(9<sup>th</sup> Cir. No. 16-16209)

ORDER

The Court entered its Order (Doc. 29) and Judgment (Doc. 30) dismissing this § 2254 action without prejudice on June 28, 2016. The dismissal was primarily based on the Younger abstention doctrine due to the fact that the petitioner’s habeas petition contained only unexhausted claims that are still pending before the Arizona Court of Appeals. The petitioner’s appeal of that dismissal, filed on July 7, 2016, is currently pending before the Ninth Circuit in No. 16-16209.

Pending before the Court are the petitioner’s Motions to Reconsider Dismissal of Habeas Petition (Docs. 46 and 49), which are in effect the petitioner’s third and fourth post-judgment motions for reconsideration. Even if the Court were to assume that these motions constitute legitimate Fed.R.Civ.P. 60(b) motions, as opposed to being an improper second or successive habeas petition filed without the prior

1 approval of the Ninth Circuit, nothing in them convinces the Court that it erred in  
2 dismissing the habeas petition. The arguments and supplemental documents raised  
3 in the motions are matters for the petitioner to bring before the Ninth Circuit in his  
4 pending appeal, if it permits him to do so.

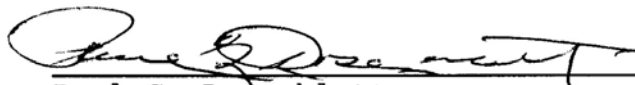
5 Therefore,

6 IT IS ORDERED that the petitioner's Motions to Reconsider Dismissal of  
7 Habeas Petition (Docs. 46 and 49) are denied.

8 IT IS FURTHER ORDERED that the petitioner's Motion for Leave to  
9 Supplement the Record (Doc. 47) and Motion for Production of Records and Docket  
10 (Doc. 48) are both denied.<sup>1</sup>

11 IT IS FURTHER ORDERED that no certificate of appealability shall issue  
12 because the petitioner has not shown that jurists of reason would find it debatable  
13 either that the Court abused its discretion in denying the motions for reconsideration  
14 or that the underlying § 2254 petition states a valid claim for the denial of a  
15 constitutional right.

16 DATED this 7<sup>th</sup> day of November, 2016.

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19 Paul G. Rosenblatt  
20 United States District Judge

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26 The Court informs the petitioner that the Ninth Circuit has electronic  
access to all documents filed in this action.