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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Marco Antonio Glaser,
10 Petitioner,

11 v.

12 Charles L Ryan, et al.,
13 Respondents.
14

No. CV-16-00784-TUC-EJM

ORDER

15 Petitioner Marco Antonio Glaser filed a pro se Petition for a Writ of Habeas
16 Corpus pursuant to 28 U.S.C. § 2254 on December 14, 2016. (Doc. 1). On May 1, 2018,
17 the Court denied the petition as untimely and dismissed this matter with prejudice. (Doc.
18 17). On June 25, 2018, Petitioner filed a motion under 28 U.S.C. § 2255 to vacate, set
19 aside, or correct a sentence. (Doc. 19). However, § 2255 only applies to federal
20 convictions, and it is clear from Petitioner's motion that he is still contesting his state
21 court conviction. Accordingly, the Court will construe the motion under § 2255 as a
22 motion for reconsideration pursuant to Fed. R. Civ. P. 60(b).

23 The Court's previous Order dismissing this action fully explained the factual and
24 procedural history of this case, applied the statute of limitations, and determined that
25 Petitioner was not entitled to statutory or equitable tolling. The Court further found that
26 granting Petitioner leave to file an amended petition would be futile. The Court therefore
27 concluded that Petitioner's PWHC was untimely filed and dismissed this action with
28 prejudice. The Court will not reiterate its reasoning again here.

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Accordingly,

IT IS HEREBY ORDERED denying Petitioner’s Motion. (Doc. 19).

Dated this 31st day of July, 2018.



Eric J. Markovich
United States Magistrate Judge