

IN THE UNITED STATES DISTRICT COURT
 EASTERN DISTRICT OF ARKANSAS
 PINE BLUFF DIVISION

DEMETRIUS LETRON HEARD
 ADC #601345

PETITIONER

VS.

CASE NO: 5:12CV00091 SWW/BD

RAY HOBBS, Director,
 Arkansas Department of Correction

RESPONDENT

ORDER

Petitioner has filed an identical Rule 60(b) motion for reconsideration in three separate cases: No. 5:11-cv-00216-JJV, No. 5:11-cv-00218-SWW, and No. 5:12-cv-00091-SWW. In Case No. 5:11-cv-00216-JJV, Judge Volpe ruled as follows on petitioner’s Rule 60(b) motion for reconsideration:

Before the Court is Petitioner’s Rule 60(b) Motion for Reconsideration (Doc. No. 13). Rule 60(b) of the Federal Rules of Civil Procedure permits federal habeas petitioners to seek relief from a final judgment in only a few limited circumstances. FED. R. CIV. P. 60(b). Here, Petitioner challenges the Court’s dismissal of his Petition as time barred by contending the United States Supreme Court’s recent decision in *Martinez v. Ryan*, 132 S.Ct. 1309 (2012) constitutes an extraordinary circumstance to allow this Court to equitably toll the one-year limitations period. (*Id.*) After considering Petitioner’s argument, the Court finds that the holding in *Martinez* in no way relates to timeliness of a federal habeas petition. Consequently, Petitioner’s Motion for Reconsideration (Doc. No. 13) is denied.

For the reason’s stated by Judge Volpe in Case No. 5:11-cv-00216-JJV, the Court denies petitioner’s identical Rule 60(b) motion for reconsideration [doc. #11] in this case.

IT IS SO ORDERED, this 16th day of May 2012.

/s/Susan Webber Wright
 UNITED STATES DISTRICT JUDGE