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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MARK A. GLEASON,)	1:02-cv-06558 AWI YNP DLB (HC)
)	
Petitioner,)	ORDER DENYING PETITIONER'S
)	MOTION FOR RELIEF FROM JUDGMENT
v.)	
)	[Doc. #39]
)	
E.S. ALAMEIDA, Warden,)	
)	
Respondent.)	

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

On July 6, 2009, Petitioner filed a motion seeking relief from this Court's December 20, 2004 ruling against him pursuant to Federal Rule of Civil Procedure 60(b)(6). (Doc. #39).

Rule 60(b) allows for relief from a final judgment, order, or proceeding for several specified reasons as well as "any other reason that justifies relief." Fed. R. Civ. Pro. 60(b). In this case, Petitioner alleges that the U.S. Magistrate Judge who issued the Findings and Recommendation (Doc. #20) on his case was biased. The fact that Petitioner believes the Magistrate Judge was biased in his case is not grounds for relief, however, because a Federal District Court Judge reviewed the petition *de novo* pursuant to 28 U.S.C. §636(b)(1)(C) before adopting the Findings and Recommendations. (Doc. #23 at 1-2). Had the Findings and Recommendations shown signs of bias, the District Court Judge would have found them during his *de novo* review. The order adopting the Findings and Recommendations held "the Findings and Recommendations to be supported by the

1 record and proper analysis,” and then goes on to discuss why the Magistrate Judge’s analysis was
2 sound and Petitioner’s objections were not. (Id. at 2-3). Accordingly, Petitioner’s motion for relief
3 from the order is hereby DENIED.

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5 IT IS SO ORDERED.

6 Dated: July 9, 2009

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE

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