

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

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

LORENZO FOSSELMAN, JR.,	)	1:07-CV-00812 LJO GSA HC
Petitioner,	)	ORDER DENYING PETITIONER’S
v.	)	MOTION TO ALTER OR AMEND
M. S. EVANS, Warden,	)	JUDGMENT
Respondent.	)	[Doc. #47]

---

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

On December 3, 2008, the undersigned issued an order denying the petition. Judgment was entered the same date. On January 12, 2009, Petitioner filed an untimely notice of appeal; the appeal was processed to the Ninth Circuit. On April 26, 2010, the Ninth Circuit denied Petitioner’s request for certificate of appealability for failure to file a timely notice of appeal. Petitioner filed a petition for rehearing in the Ninth Circuit, which the Ninth Circuit construed as a motion for reconsideration. On June 29, 2010, the motion was denied.

On March 21, 2011, Petitioner filed a motion for relief from judgment or order pursuant to Rule 60(b) of the Federal Rules of Civil Procedure in this Court. Respondent filed an opposition to Petitioner’s motion on May 4, 2011. The Court denied the motion on May 11, 2011.

1           On May 31, 2011, Petitioner filed a second motion for relief from judgment. Petitioner is  
2 advised that his arguments were considered in the Court's ruling on the previous motion for relief,  
3 which motion was denied. For the same reasons previously stated, the instant motion is denied.  
4 Petitioner is further advised that this case is terminated. The petition for writ of habeas corpus, the  
5 appeal to the Ninth Circuit, the motion for reconsideration in the Ninth Circuit, and the motion for  
6 relief from judgment in this Court have all been denied. Petitioner is informed that additional filings  
7 in this case will be stricken.

8 IT IS SO ORDERED.

9 **Dated: June 13, 2011**

/s/ Lawrence J. O'Neill  
UNITED STATES DISTRICT JUDGE

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28