

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

DAVE REINHARDT,

1:08-cv-00329 LJO DLB HC

Petitioner,

ORDER DENYING PETITIONER'S MOTION  
FOR RECONSIDERATION

v.

[Doc. 55]

FELLER, Warden,

Respondent.

On February 3, 2009, the petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 was denied on the merits and judgment was entered in favor of Respondent. (Court Docs. 53, 54.) On February 6, 2009, Petitioner filed a motion for reconsideration. (Court Doc. 55.)

Pursuant to Rule 60(b) of the Federal Rules of Civil Procedure,

the court may relieve a party or a party's legal representative from a final judgment, order, or proceeding for the following reasons: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial under Rule 59(b); (3) fraud (whether heretofore denominated intrinsic or extrinsic), misrepresentation, or other misconduct of an adverse party; (4) the judgment is void; (5) the judgment has been satisfied, released, or discharged, or a prior judgment upon which it is based has been reversed or otherwise vacated, or it is no longer equitable that the judgment should have prospective application; or (6) any other reason justifying relief from the operation of the judgment.

Petitioner fails to meet this standard. Petitioner does not set forth any arguments or evidence that have not already been considered by this Court. Petitioner's arguments present no basis for relief.

Accordingly, Petitioner's Motion for Reconsideration is DENIED.

IT IS SO ORDERED.

**Dated: February 9, 2009**

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