

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

| | | |
|-------------------|---|----------------------------|
| TONY MANNNS, |) | 1:09-CV-00811 GSA HC |
| |) | |
| Petitioner, |) | ORDER DENYING PETITIONER'S |
| |) | MOTION FOR RECONSIDERATION |
| v. |) | [Doc. #11] |
| |) | |
| HECTOR RIOS, JR., |) | |
| |) | |
| Respondent. |) | |

Petitioner is a federal prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

On July 14, 2009, the undersigned issued an order dismissing the petition and terminating the case. On July 27, 2009, Petitioner filed a motion for reconsideration pursuant to Federal Rules of Civil Procedure § 60(b).

Rule 60(b) of the Federal Rules of Civil Procedure provides:

- On motion and just terms, the court may relieve a party or its legal representative from a final judgment, order, or proceeding for the following reasons:
- (1) mistake, inadvertence, surprise, or excusable neglect;
 - (2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b);
 - (3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party;
 - (4) the judgment is void;
 - (5) the judgment has been satisfied, released, or discharged; it is based on an earlier

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

judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or
(6) any other reason that justifies relief.

Petitioner fails to meet this standard. He does not set forth any arguments that have not already been considered by this Court. His remedy is by way of a motion to vacate, set aside, or correct the sentence pursuant to 28 U.S.C. § 2255 in the sentencing court. Petitioner's arguments present no basis for relief.

Accordingly, Petitioner's Motion for Reconsideration is DENIED.

IT IS SO ORDERED.

Dated: August 4, 2009

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE