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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

MICHAEL ALAN YOCOM,	1:09-cv-01150-SMS (HC)
Petitioner,	ORDER DENYING PETITIONER’S MOTION FOR RECONSIDERATION
v.	[Docs. 32, 37]
BEN CURRY,	
Respondent.	

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On February 25, 2011, the instant 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. In that order, the Court also declined to issue a certificate of appealability.

On March 17, 2011, Petitioner filed a motion for reconsideration.

On April 20, 2011, Petitioner filed a notice of appeal to the United States Court of Appeals for the Ninth Circuit.

On June 21, 2011, the Ninth Circuit issued an order holding the appellate proceedings in abeyance pending this Court’s resolution of the pending March 17, 2011, motion for reconsideration.

On July 5, 2011, Petitioner filed a request for a ruling on his pending motion for reconsideration.

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

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

9 The basis for Petitioner's motion for reconsideration is his disagreement with the Court's  
10 decision and analysis of the factual circumstances and applicable law as applied to his case.  
11 Petitioner is advised that his arguments were considered in the Court's ruling on his petition for  
12 writ of habeas corpus. Petitioner has not shown clear error or other meritorious grounds for  
13 relief, and has therefore not met his burden as the party moving for reconsideration. Marlyn  
14 Nutraceuticals, Inc., 571 F.3d at 880. Petitioner's disagreement is not sufficient grounds for  
15 relief from the order. Westlands Water Dist., 134 F.Supp.2d at 1131. For the same reasons  
16 previously stated, the instant motion is DENIED.

17 IT IS SO ORDERED.

18 **Dated:** December 15, 2011

19 /s/ Sandra M. Snyder  
20 UNITED STATES MAGISTRATE JUDGE  
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