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10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF CALIFORNIA

12 CRAIG L. FLENORY,) 1:10-CV-00539 SMS HC
13)
14) Petitioner,) ORDER DENYING PETITIONER'S
15) v.) MOTION FOR RECONSIDERATION
16) [Doc. #16]
17) JAMES D. HARTLEY,)
18) Respondent.)
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18 Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus
19 pursuant to 28 U.S.C. § 2254. He has consented to have a magistrate judge conduct any and all
20 proceeding, including entry of final judgment, pursuant to 28 U.S.C. § 636(c).

21 On August 6, 2010, the undersigned issued an order granting Respondent's motion to dismiss
22 and dismissing the petition with prejudice for violating the statute of limitations. Judgment was
23 entered the same date. On September 15, 2010, Petitioner filed the instant motion for
24 reconsideration.

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

26 On motion and just terms, the court may relieve a party or its legal representative from a final
27 judgment, order, or proceeding for the following reasons:

- 27 (1) mistake, inadvertence, surprise, or excusable neglect;
28 (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);

- 1 (3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or
2 misconduct by an opposing party;
3 (4) the judgment is void;
4 (5) the judgment has been satisfied, released, or discharged; it is based on an earlier
5 judgment that has been reversed or vacated; or applying it prospectively is no
6 longer equitable; or
7 (6) any other reason that justifies relief.

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10 Petitioner fails to satisfy this standard. His arguments present no basis for relief. His petition
11 violates the statute of limitations and was properly dismissed.

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13 Accordingly, Petitioner's Motion for Reconsideration is DENIED.

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IT IS SO ORDERED.

Dated: September 23, 2010

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE