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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KAREEM BROWN,
Petitioner,

v.

AMY MILLER, Warden,
Respondent.

Case No. 1:12-cv-01787 AWI MJS (HC)
ORDER DENYING MOTION FOR RECONSIDERATION
[Doc. 50]

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

On March 25, 2015, the undersigned denied the petition on the merits. On October 24, 2016, Petitioner filed this motion for reconsideration pursuant to Federal Rules of Civil Procedure § 60(b). (ECF No. 50.)

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),

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

7 Petitioner does not set forth any arguments or items of evidence not already
8 considered by this Court. He presents arguments that were previously raised and
9 adjudicated in his petition, including that the trial court erred in failing to instruct on a
10 provocation defense and that the prosecution failed to prove that he acted with malice
11 aforethought. The Court's prior ruling addressed the same claims presented in this
12 motion for reconsideration. Petitioner has presented no grounds upon which the Court
13 might determine that its prior decision was erroneous. Accordingly, Petitioner is not
14 entitled to post-judgment relief.

15 Petitioner's motion for reconsideration is DENIED.

16 IT IS SO ORDERED.

17 Dated: April 21, 2017

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20 SENIOR DISTRICT JUDGE