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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

CHARLES JONES,  Petitioner,  v.  FRESNO SUPERIOR COURT, et al,  Respondent.	}	1:12-cv-01938 MJS HC  <b>ORDER DENYING MOTION FOR          RECONSIDERATION</b>  (Doc. 8)
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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 7, 2013, the undersigned dismissed the petition as successive under 28 U.S.C. § 2244(b)(1). On March 7, 2013, 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:

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

Petitioner does not set forth any arguments or identify any evidence that has not already been considered by this Court. Petitioner does not address the Court's finding that his petition was successive. Instead he again presents claims that he is entitled to evidence under California Penal Code § 1054.9. Even if California law allowed Petitioner to obtain new evidence, a Federal Petition for Writ of Habeas Corpus would not be the appropriate vehicle to obtain such evidence. Petitioner's arguments present no basis for relief from the finding that his claim was successive or from the order dismissing it.

Accordingly, Petitioner's motion for reconsideration is DENIED.

IT IS SO ORDERED.

Dated: March 29, 2013

/s/ Michael J. Seng  
UNITED STATES MAGISTRATE JUDGE