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8	UNITED STATES DISTRICT COURT	
9	EASTERN DISTRICT OF CALIFORNIA	
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11	CHARLES JONES,) Case No.: 1:13-cv-00918-JLT
12	Petitioner,	ORDER DENYING PETITIONER'S MOTION FOR RECONSIDERATION (Doc. 21)
13	v.) FOR RECONSIDERATION (Doc. 21)
14	UNKNOWN,))
15	Respondent.))
16		_/
17	Petitioner is a state prisoner proceeding in propria persona with a petition for writ of habeas	
18	corpus pursuant to 28 U.S.C. § 2254. The instant petition was filed on June 17, 2013. (Doc. 1). On	
19	October 24, 2013, Petitioner filed his written consent to the jurisdiction of the Magistrate Judge for all	
20	purposes. (Doc. 13).	
21	PROCEDURAL HISTORY	
22	On December 12, 2013, the Magistrate Judge issued an order dismissing the instant petition as	
23	untimely under 28 U.S.C. § 2244. (Doc. 19). The Court ordered the Clerk of the Court to enter	
24	judgment and close the file. (Doc. 20). On January 2, 2014, Petitioner filed the instant motion for	
25	reconsideration. (Doc. 21).	
26	<u>DISCUSSION</u>	
27	Federal Rule of Civil Procedure 60(b) governs the reconsideration of final orders of the district	
$_{28}$	court. Rule 60(b) permits a district court to relieve a party from a final order or judgment on grounds	

of: "(1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence . . .; (3) fraud . . . of an adverse party; (4) the judgment is void; (5) the judgment has been satisfied . . . or (6) any other reason justifying relief from the operation of the judgment." Fed. R. Civ. P. 60(b). A motion under Rule 60(b) must be made within a reasonable time, in any event "not more than one year after the judgment, order, or proceeding was entered or taken." Id.

Moreover, when filing a motion for reconsideration, Local Rule 230(j) requires a party to show the "new or different facts or circumstances claimed to exist which did not exist or were not shown upon such prior motion, or what other grounds exist for the motion." Motions to reconsider are committed to the discretion of the trial court. Combs v. Nick Garin Trucking, 825 F.2d 437, 441 (D.C.Cir. 1987); Rodgers v. Watt, 722 F.2d 456, 460 (9th Cir. 1983) (en banc). To succeed, a party must set forth facts or law of a strongly convincing nature to induce the court to reverse its prior decision. See, e.g., Kern-Tulare Water Dist. v. City of Bakersfield, 634 F.Supp. 656, 665 (E.D.Cal. 1986), aff'd in part and rev'd in part on other grounds, 828 F.2d 514 (9th Cir. 1987).

Here, Petitioner failed to meet the requirements for granting a motion for reconsideration: He has not shown "mistake, inadvertence, surprise, or excusable neglect;" he has certainly not shown the existence of either *newly discovered* evidence or fraud; he has not established that the judgment is either void or satisfied; and, finally, Petitioner has not presented any other reasons justifying relief from judgment. Moreover, pursuant to the Court's Local Rules, Petitioner has not shown "new or different facts or circumstances claimed to exist *which did not exist or were not shown upon such prior motion*, or what other grounds exist for the motion." Local Rule 230(j). (Emphasis supplied).

Indeed, Petitioner's grounds for reconsideration can be summarized as ineffective assistance of his trial, appellate, and collateral action attorneys; fraud and misrepresentation by the prosecution; and the existence of exculpatory evidence in the possession of the prosecutor. None of these grounds and contentions, however, are new; indeed, all of them were raised in the original petition and considered by the Court in its December 12, 2013 dismissal order.

In sum, Petitioner has provided no evidence or circumstances that would satisfy the requirements of Rule 60(b), and therefore his motion for reconsideration must be denied.

1	<u>ORDER</u>
2	Accordingly, it is HEREBY ORDERED that Petitioner's motion for reconsideration (Doc. 21),
3	is DENIED.
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5	IT IS SO ORDERED.
6	Dated: January 8, 2014 /s/ Jennifer L. Thurston
7	UNITED STATES MAGISTRATE JUDGE
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