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

GUILLERMO VERA,)	Case No.: 1:14-cv-00567-LJO-JLT
)	
Petitioner,)	ORDER DENYING PETITIONER’S SECOND
)	MOTION FOR RECONSIDERATION (Doc. 14)
v.)	
)	
MARTIN BITER, Warden,)	
)	
Respondent.)	
)	

On May 30, 2014, the Court dismissed this habeas petition as successive, entered judgment against Petitioner and ordered the file closed. (Docs. 9 & 10). On June 22, 2015, Petitioner filed his first motion for reconsideration, contending that the Court erred in construing the petition as a successive petition since Petitioner is not challenging the 1997 conviction he challenged in the previous petition, but was instead challenging the enhancement related to that conviction. (Doc. 11). The Court denied that motion for reconsideration on June 24, 2015. (Doc. 12). On July 11, 2016, over two years after judgment was entered, Petitioner has filed his second motion for reconsideration, contending that a combination of mental and health problems, restricted access to legal and research materials, and a purported conspiracy by Respondent to prevent him from accessing the federal courts should entitle Petitioner to further collateral review. (Doc. 14). The Court disagrees.

Federal Rule of Civil Procedure 60(b) governs the reconsideration of final orders of the district court. Rule 60(b) permits a district court to relieve a party from a final order or judgment on grounds

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

6 Moreover, when filing a motion for reconsideration, Local Rule 230(j) requires a party to show
7 the “new or different facts or circumstances claimed to exist which did not exist or were not shown
8 upon such prior motion, or what other grounds exist for the motion.” Motions to reconsider are
9 committed to the discretion of the trial court. Combs v. Nick Garin Trucking, 825 F.2d 437, 441
10 (D.C.Cir. 1987); Rodgers v. Watt, 722 F.2d 456, 460 (9th Cir. 1983) (en banc). To succeed, a party
11 must set forth facts or law of a strongly convincing nature to induce the court to reverse its prior
12 decision. See, e.g., Kern-Tulare Water Dist. v. City of Bakersfield, 634 F.Supp. 656, 665 (E.D.Cal.
13 1986), *aff’d in part and rev’d in part on other grounds*, 828 F.2d 514 (9th Cir. 1987).

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

21 Rather, it appears that Petitioner fails to appreciate the legal posture of this case: (1) that the
22 petition was dismissed for the sole reason that ***this Court lacks jurisdiction*** and ***Petitioner must first***
23 ***obtain permission to proceed from the Ninth Circuit***, and (2) that the case has been closed for over
24 two years, yet Petitioner has ***never*** appealed the Court’s order dismissing this case nor sought
25 permission from the Ninth Circuit to proceed in this Court. Given these circumstances, further filings
26 in cannot yield the results Petitioner seeks.

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

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ORDER

Accordingly, the Court **ORDERS** Petitioner's second motion for reconsideration (Doc. 14), is **DENIED**.

IT IS SO ORDERED.

Dated: July 25, 2016

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE