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

CLARENCE LEON DEWS,
Petitioner,

v.

WARDEN,
Respondent.

Case No. 1:14-cv-01113 LJO MJS (HC)
ORDER DENYING MOTION FOR RECONSIDERATION
[Doc. 13]

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

On September 15, 2014, the undersigned dismissed the petition as successive under 28 U.S.C. § 2244(b)(1). On September 26, 2014, 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:

- (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 evidence that have not already
8 been considered by this Court. The Court finds that its prior ruling that the petition was
9 successive and required to be dismissed was correct. To the extent Petitioner seeks
10 permission to file a successive petition, he should file a request directly with the Ninth
11 Circuit Court of Appeal.

12 Accordingly, Petitioner's motion for reconsideration is DENIED.

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IT IS SO ORDERED.

Dated: September 30, 2014

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE