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

DENNIS CHAN LAI,
Petitioner,

v.

PAUL COPENHAVER, Warden,
Respondent.

1:14-cv-01705 LJO MJS HC
ORDER DENYING MOTION FOR RECONSIDERATION
(Doc. 19)

Petitioner is a federal prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

On February 4, 2015, the undersigned denied the petition. On March 26, 2015, Petitioner filed a motion for reconsideration. (ECF No. 19.) 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), misrepresentation, or misconduct by an opposing party;
- (4) the judgment is void;

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

5 Petitioner does not set forth any arguments or evidence that have not already
6 been considered by this Court. In this case, Petitioner asserts that recent case law
7 should be applied retroactively, thereby making his remedy under Section 2255
8 inadequate or ineffective. Petitioner presented similar arguments in his Petition, which
9 the Court, upon review, found insufficient to warrant relief. His contentions in his motion
10 for reconsideration fare no better. Petitioner has not shown that the Court's
11 determination that Descamps v. United States, 133 S. Ct. 2276, 186 L. Ed. 2d 438
12 (2013), should not be applied retroactively is incorrect.

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

14 **ORDER**

15 IT IS HEREBY ORDERED that Petitioner's motion for reconsideration (Doc. 19) is
16 DENIED.
17 IT IS SO ORDERED.

18 Dated: June 19, 2015

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