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

SEAVON PIERCE,  
Petitioner,  
v.  
BARACK OBAMA, et. al.,  
Respondents.

Case No. 1:14-cv-01992-GSA-HC  
ORDER DENYING MOTION FOR  
RECONSIDERATION  
(ECF No. 11)

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. On January 23, 2015, this Court issued an amended order dismissing the petition for writ of habeas corpus as duplicative. (ECF No. 9).

On February 2, 2015, Petitioner filed the instant motion for reconsideration, which the Court will consider a motion for relief from judgment 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), 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

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

3 Petitioner's arguments do not merit reconsideration of the dismissal. Petitioner argues  
4 that the Court did not consider his amended petition and that the Court can still consider his  
5 duplicative claims. On January 22, 2015, this Court issued an order dismissing the petition as  
6 duplicative and closing the action. (ECF No. 7). Prior to the order being docketed, Petitioner's  
7 first amended petition for writ of habeas corpus was docketed. (ECF No. 6). The Court  
8 considered Petitioner's first amended petition in the present case, determined that the first  
9 amended petition raised the same claims as the original petition in this case, and issued an  
10 amended order dismissing the petition as duplicative on January 23, 2015. (ECF No. 9).

11 As stated in the amended order dismissing the petition, the Court has the discretion to  
12 dismiss a duplicative later-filed action. See Adams v. California Dept. of Health Services, 487  
13 F.3d 684, 688 (9th Cir. 2007). Petitioner's amended petition in this case raises the same claims  
14 as his presently pending petition in a previously filed action, 2:14-CV-02644-AC, and therefore,  
15 is duplicative.

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

17 IT IS SO ORDERED.

18  
19 Dated: February 5, 2015

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE