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8 **UNITED STATES DISTRICT COURT**  
9 **EASTERN DISTRICT OF CALIFORNIA**  
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11 GERALD L. TUCKER,

12 Petitioner,

13 v.

14 DANIEL PARAMO,

15 Respondent.  
16

Case No. 1:15-cv-01164-AWI-SAB-HC

ORDER DENYING MOTION FOR  
RECONSIDERATION

(ECF No. 21)

17 Petitioner is a state prisoner proceeding pro se whose petition for writ of habeas corpus  
18 pursuant to 28 U.S.C. § 2254 was dismissed on February 2, 2016. (ECF No. 19). This Court  
19 previously denied petitions for writ of habeas corpus arising from both the 1998 conviction for  
20 failure to register and the 2002 conviction for murder, and Petitioner has failed to obtain prior  
21 leave from the Ninth Circuit to file a successive petition. Thus, applicable law required the Court  
22 to dismiss the petition for lack of jurisdiction. See 28 U.S.C. § 2244(b). Petitioner has now made  
23 a submission to the Court, which the Court construes as a motion for reconsideration.<sup>1</sup> See  
24 Bernhardt v. Los Angeles County, 339 F.2d 920, 925 (9th Cir. 2003) (courts have a duty to  
25 construe *pro se* pleadings and motions liberally).

26 <sup>1</sup> Petitioner's filing consists of copies of some of the Court's previous orders in the instant proceeding, copies of  
27 court orders in Tucker v. Paramo, No. 1:15-cv-01664-DAD-JLT, and various documents in support of his challenge  
28 to his convictions. As Petitioner's argument is written on a copy of a previous order in the instant proceeding, the  
Court will construe it as a motion for reconsideration in this case rather than in Tucker v. Paramo, No. 1:15-cv-  
01664-DAD-JLT.

1 As set forth in detail in the findings and recommendation (ECF No. 16) and the order  
2 dismissing the petition (ECF No. 19), this Court lacks jurisdiction to consider the Petitioner's  
3 petition for writ of habeas corpus. Since Petitioner has already filed petitions for writ of habeas  
4 corpus regarding his 1998 and 2002 convictions, he cannot file another petition in this Court  
5 regarding the same convictions without first obtaining permission from the United States Court  
6 of Appeal for the Ninth Circuit.

7 Accordingly, Petitioner's motion for reconsideration of the Court's dismissal of his  
8 petition for writ of habeas corpus is hereby denied.

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10 IT IS SO ORDERED.

11 Dated: May 19, 2016

  
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12 SENIOR DISTRICT JUDGE  
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