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4 **UNITED STATES DISTRICT COURT**

5 EASTERN DISTRICT OF CALIFORNIA

6 ARTURO HUERTA,
7
8 Petitioner,

9 v.

10 RON DAVIS,
11 Respondent.

Case No. 1:15-cv-01827-AWI-SAB-HC

ORDER DENYING PETITIONER'S
MOTION FOR RECONSIDERATION

(ECF No. 31)

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13 Petitioner is a state prisoner who proceeded pro se and in forma pauperis with a § 2254
14 petition for writ of habeas corpus. On December 4, 2017, the Court denied Petitioner's request
15 for a Rhines stay, denied the exhausted claims of the petition, and declined to issue a certificate
16 of appealability. (ECF No. 29). That same day, the Court entered judgment. (ECF No. 30).

17 On December 14, 2017, the Court received the instant motion for reconsideration with
18 respect to the denial of a certificate of appealability. (ECF No. 31). The motion for
19 reconsideration will be denied as Petitioner has not shown that reconsideration is warranted. See
20 Marlyn Nutraceuticals, Inc. v. Mucos Pharma GmbH & Co., 571 F.3d 873, 880 (9th Cir. 2009).
21 The Court notes that Petitioner may seek a certificate of appealability from the court of appeals.
22 See Fed. R. App. P. 22(b)(1).

23 Accordingly, IT IS HEREBY ORDERED that Petitioner's motion for reconsideration
24 (Doc. No. 49) is DENIED.

25 IT IS SO ORDERED.

26 Dated: February 6, 2018

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28 SENIOR DISTRICT JUDGE