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

KEITH D. JOHNSON,

Petitioner,

No. 2:06-cv-00554-MCE-CHS P

v.

J. YATES, et al.,

Respondents.

ORDER

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On March 18, 2013, Petitioner filed a document styled as a “Motion for Reconsideration.” That motion appears to ask this Court to reconsider its September 30, 2009 entry of judgment in this case, which denied Petitioner’s application for writ of habeas corpus. Petitioner proceeded to appeal that denial to the Ninth Circuit. The Ninth Circuit denied the request for certificate of appealability by order dated December 21, 2011. Despite that denial, Petitioner filed the present motion some fifteen months later.


A district court may reconsider a ruling under either Federal Rule of Civil Procedure 59(e) or 60(b). See Sch. Dist. Number. 1J, Multnomah County v. ACandS, Inc., 5 F.3d 1255, 1262 (9th Cir. 1993). “Reconsideration is appropriate if the district court (1) is presented with newly discovered evidence, (2) committed clear error or the initial decision was manifestly unjust, or (3) if there is an intervening change in controlling law.” Id. at 1263.

1 Here, Petitioner fails to present newly discovered evidence suggesting the judgment in  
2 this matter should be reconsidered. Furthermore, the order at issue is neither manifestly unjust  
3 nor clearly erroneous, nor has there been an intervening change in controlling law.

4 Accordingly, IT IS HEREBY ORDERED THAT Petitioner's March 18, 2013 Motion for  
5 Reconsideration (ECF No. 57) is DENIED.

6 IT IS SO ORDERED.

7 Date: March 26, 2013

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11 MORRISON C. ENGLAND, JR., CHIEF JUDGE  
12 UNITED STATES DISTRICT JUDGE  
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