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

10 WILLIE E. BROWN, JR.,

11 Petitioner,

No. CIV S-06-1086 FCD KJM P

12 vs.

13 T. FELKER,

ORDER

14 Respondent.
15 _____/


16 Petitioner is a state prison inmate proceeding pro se with a petition for a writ of
17 habeas corpus under 28 U.S.C. § 2254. On August 22, 2008, this court granted respondent's
18 motion to dismiss the petition as time-barred and entered judgment. Petitioner filed a timely
19 notice of appeal on September 12, 2008. On October 3, 2008, petitioner filed a motion asking
20 the court "to fully reconsider," which the court interprets as a motion for relief from judgment
21 under Fed. R. Civ. P. 60(b).

22 Because the pendency of the appeal in this case has deprived this court of
23 jurisdiction over petitioner's motion, he must first determine whether this court is willing to
24 consider his motion to vacate the judgment and then seek remand from the Court of Appeals.
25 Williams v. Woodford, 384 F.3d 567, 586 (9th Cir. 2004). He has not sought permission for this
26 request for reconsideration.

1 Moreover, even if petitioner had made the request, the court would not be willing
2 to entertain this motion. Petitioner gives no reason recognized by the Federal Rules of Civil
3 Procedure as the proper basis for this motion, but rather seeks to have the court revisit its rulings.
4 However, a motion to reconsider is not a vehicle permitting the unsuccessful party to “rehash”
5 arguments previously presented, or to present “contentions which might have been raised prior to
6 the challenged judgment.” Costello v. United States, 765 F. Supp. 1003, 1009 (C.D. Cal. 1991)

7 IT IS THEREFORE ORDERED that petitioner’s motion for relief from judgment
8 is denied.

9 DATED: January 8, 2009.

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12 FRANK C. DAMRELL, JR.
13 UNITED STATES DISTRICT JUDGE
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