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

E'DRICK BROWN

Petitioner,

No. CIV S-08-1401 FCD DAD P

vs.

ROBERT A. HOREL, et al.,

Respondents.

ORDER

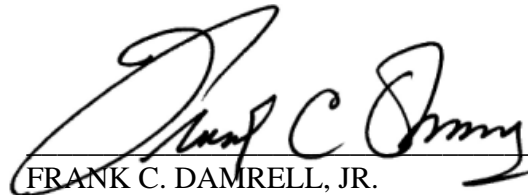
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On September 8, 2009, petitioner filed a motion requesting reconsideration of the magistrate judge's order filed April 21, 2009, denying petitioner's motion for the appointment of counsel. Local Rule 72-303(b), states "rulings by Magistrate Judges shall be final if no reconsideration thereof is sought from the Court within ten court days . . . from the date of service of the ruling on the parties." E.D. Local Rule 72-303(b). Petitioner's motion is untimely and will be denied. Also in his motion for reconsideration, petitioner requests an evidentiary hearing. Petitioner provides no explanation or legal basis for such a hearing; therefore, the request will be denied.

Accordingly, IT IS HEREBY ORDERED that:

- 1. Petitioner's September 8, 2009 motion for reconsideration (Doc. No. 28) is denied; and

1 2. Petitioner's request for an evidentiary hearing (Doc. No. 28) is denied.

2 DATED: October 19, 2009.

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5 FRANK C. DAMRELL, JR.
6 UNITED STATES DISTRICT JUDGE
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