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

KELVIN LANCE WILLIAMS,

Petitioner,

No. 2:09-cv-1612 FCD KJN P

vs.

S.M. SALINAS, Warden, et al.,

Respondents.

ORDER

_____/


Plaintiff has filed a motion for issuance of certificate of appealability pursuant to 28 U.S.C. § 2253. (Dkt. No. 25.) However, on October 1, 2010, the undersigned issued an order declining to issue a certificate of appealability. (Dkt. No. 23.) Accordingly, the court construes petitioner’s motion as a request for reconsideration of the October 1, 2010 order.

Although motions to reconsider are directed to the sound discretion of the court, Frito-Lay of Puerto Rico, Inc. v. Canas, 92 F.R.D. 384, 390 (D.C. Puerto Rico 1981), considerations of judicial economy weigh heavily in the process. Thus Local Rule 230(j) requires that a party seeking reconsideration of a district court's order must brief the “new or different facts or circumstances [which] were not shown upon such prior motion, or what other grounds exist for the motion.” The rule derives from the “law of the case” doctrine which provides that the decisions on legal issues made in a case “should be followed unless there is substantially different evidence . . . new controlling authority, or the prior decision was clearly

1 erroneous and would result in injustice.” Handi Investment Co. v. Mobil Oil Corp., 653 F.2d
2 391, 392 (9th Cir. 1981); see also Waggoner v. Dallaire, 767 F.2d 589, 593 (9th Cir. 1985), cert.
3 denied, 475 U.S. 1064 (1986).

4 Petitioner has failed to demonstrate any new or different facts or circumstances
5 which did not exist or were not shown in the objections to the findings and recommendations.
6 See E.D. Local Rule 78-230(k). Accordingly, IT IS ORDERED that, upon reconsideration, this
7 court's order of October 1, 2010 is affirmed.

8 DATED: October 29, 2010.

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