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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

11 KEVIN DUNIGAN,
12 Petitioner,
13 v.
14 ROBERT HICKMAN,
15 Respondent.

No. 2:11-cv-961-MCE-EFB P

ORDER

17 Petitioner is a state prisoner proceeding without counsel on a petition for a writ of
18 habeas corpus pursuant to 28 U.S.C. § 2254. On August 5, 2013, the undersigned
19 dismissed this action without prejudice and judgment was duly entered. ECF Nos. 102,
20 103. Petitioner now moves to vacate the judgment. ECF No. 143.

Reconsideration is appropriate if the 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. Sch. Dist. No. 1J v. ACandS, Inc., 5 F.3d 1255, 1263 (9th Cir. 1993). Additionally, Rule 60(b) of the Federal Rules of Civil Procedure provides as follows:

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2 On motion and just terms, the court may relieve a party or its
3 legal representative from a final judgment, order, or
4 proceeding for the following reasons: (1) mistake,
5 inadvertence, surprise, or excusable neglect; (2) newly
6 discovered evidence that, with reasonable diligence, could
7 not have been discovered in time to move for a new trial
8 under rule 59(b); (3) fraud (whether previously called intrinsic
9 or extrinsic), misrepresentation, or misconduct by an
10 opposing party; (4) the judgment is void; (5) the judgment has
11 been satisfied, released or discharged; it is based on an
12 earlier judgment that has been reversed or vacated; or
13 applying it prospectively is no longer equitable; or (6) any
14 other reason that justifies relief.

15 Petitioner has not shown that circumstances exist to justify the requested relief.
16 Accordingly, IT IS HEREBY ORDERED that petitioner's motion to vacate the judgment
17 (ECF No. 143) is denied. Petitioner is hereby reminded that the court will not respond to
18 future filings in this action that are not authorized by the Federal Rules of Civil Procedure
19 or the Federal Rules of Appellate Procedure.

20 Dated: February 12, 2015

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22 MORRISON C. ENGLAND, JR., CHIEF JUDGE
23 UNITED STATES DISTRICT COURT