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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DIRK JAONG BOUIE, JR.,
Petitioner,
v.
BOARD OF PAROLE HEARINGS,
Respondent.

No. 2:12-cv-1221 MCE AC P

ORDER

Petitioner has filed a motion for reconsideration pursuant to Federal Rule of Civil Procedure 59(e) in which he seeks to have this court reconsider the Ninth Circuit’s recent order denying his application for leave to file a second or successive petition for writ of habeas corpus. ECF No. 77. Petitioner has been advised on more than one occasion that this Court does not have the authority to overturn a Ninth Circuit order. See ECF Nos. 64, 75, 76. Any further motions seeking to have this court reconsider, amend, or otherwise disturb an order of the Ninth Circuit Court of Appeal will be disregarded.

Pursuant to Rule 11 of the Federal Rules Governing Section 2254 Cases, this court must issue or deny a certificate of appealability when it enters a final order adverse to the applicant. A certificate of appealability may issue only “if the applicant has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). For the reasons set forth herein, a substantial showing of the denial of a constitutional right has not been made in this case.

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Accordingly, IT IS HEREBY ORDERED that:

1. Petitioner’s motion for reconsideration, ECF No. 77, is DENIED.
2. Any further motions seeking to have this court reconsider, amend, or otherwise disturb an order of the Ninth Circuit Court of Appeal will be disregarded.
3. This court declines to issue the certificate of appealability referenced in 28 U.S.C. § 2253.

IT IS SO ORDERED.

Dated: January 26, 2022



MORRISON C. ENGLAND, JR.
SENIOR UNITED STATES DISTRICT JUDGE