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

JERRY WAYNE GENTRY,

Petitioner,

No. 2:13-cv-0142 WBS KJN P

vs.

RANDY GROUNDS, Warden,

Respondent.

ORDER

_____ /

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. On February 27, 2013, petitioner filed a document styled, “Notice of Motion to Vacate Judgment and Enter Different Decision and or Judgment.” (ECF No. 11). Despite petitioner’s references to filing a civil rights complaint under 42 U.S.C. § 1983, it appears petitioner seeks reconsideration of the magistrate judge’s order filed February 4, 2013, denying, without prejudice, petitioner’s request for the appointment of counsel.

Pursuant to E.D. Local Rule 303(f), a magistrate judge’s orders shall be upheld unless “clearly erroneous or contrary to law.” Upon review of the entire file, the court finds that it does not appear that the magistrate judge’s ruling was clearly erroneous or contrary to law.

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Therefore, IT IS HEREBY ORDERED that:

1. Petitioner's February 27, 2013 motion (ECF No. 11) is construed as a request for reconsideration; and
2. Upon reconsideration, the order of the magistrate judge filed February 4, 2013, is affirmed.

DATED: May 16, 2013


WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE

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