

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSEPH AUGUST MARSALA,  
Petitioner,  
v.  
HEIDI LACKNER,  
Respondent.

No. 2:13-cv-1614 CKD P

ORDER

Petitioner, a California prisoner proceeding pro se, has filed a document the court construes as a motion for reconsideration of the court’s denial of petitioner’s application for a writ of habeas corpus. A court may reconsider a ruling under either Federal Rule of Civil Procedure 59(e) or 60(b). See Sch. Dist. Number. 1J, Multnomah County v. ACandS, Inc., 5 F.3d 1255, 1262 (9th Cir. 1993). “Reconsideration is appropriate if the district 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.” Id. at 1263.


Petitioner does not present newly discovered evidence and there has been no change in the law. Furthermore, the court’s denial of petitioner’s application for a writ of habeas corpus is neither clearly erroneous nor manifestly unjust.

/////  
/////

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Accordingly, IT IS HEREBY ORDERED that petitioner's motion for reconsideration (ECF No. 65) is denied.

Dated: September 27, 2016

  
\_\_\_\_\_  
CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE

1  
mars1614.mfr