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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ERIC DWIGHT RICE,
Petitioner,
v.
BARACK OBAMA, et al.,
Respondent.

No. 2:14-cv-1784 KJN P

ORDER

Petitioner, a state prisoner proceeding pro se, previously filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner consented to proceed before the undersigned for all purposes. See 28 U.S.C. § 636(c).

In his petition, petitioner set forth the following grounds for habeas relief: (1) America has committed a crime against humanity by allowing him and other African Americans to be called “Black”; (2) America is guilty of social and economic discrimination against minorities and African Americans; and (3) Black History month is offensive, degrading, and a dishonor to all African Americans, past and present. (ECF No. 1 at 4-5.) Petitioner conceded that he did not exhaust his state court remedies in connection with these claims, and explained that he failed to do so because the state court lacked jurisdiction over them. (Id. at 5.)

On August 13, 2014, the court filed an order dismissing the petition without prejudice. (ECF No. 5.) The basis for the dismissal was the court’s determination that, because petitioner


1 had not challenged the fact or duration of his confinement in his petition, his claims were not
2 appropriate for a § 2254 action. The court therein also declined to construe petitioner's filing as a
3 complaint under 42 U.S.C. § 1983. (Id.)

4 On August 28, 2014, petitioner filed a motion to reopen the case. (ECF No. 9.) On
5 September 10, 2014, the court denied this motion, finding that petitioner had again failed to set
6 forth any allegations challenging the fact or duration of his confinement, and further, that he had
7 failed to meet the criteria for reconsideration set forth in Local Rule 230. (ECF No. 10.)

8 On December 29, 2014, petitioner filed a letter requesting to refile his case with the
9 undersigned. (ECF No. 11.) The court will construe this letter as a renewed motion for
10 reconsideration, and will deny the motion. Petitioner has yet again failed to set forth any
11 allegations that challenge the fact or duration of his confinement, as required under 28 U.S.C.
12 § 2254. Petitioner has also failed to make the showing required by Local Rule 230(j), which calls
13 upon a party seeking reconsideration to state "what new or different facts or circumstances are
14 claimed to exist which did not exist or were not shown upon such prior motion, or what other
15 grounds exist for the motion," and "why the facts or circumstances were not shown at the time of
16 the prior motion." E.D. Cal. Local Rule 230(j)(3), (4).

17 Accordingly, IT IS HEREBY ORDERED that plaintiff's motion (ECF No. 11) is denied.

18 Dated: February 24, 2015

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KENDALL J. NEWMAN
21 UNITED STATES MAGISTRATE JUDGE

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