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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CALVIN S. LYNN,  
  
                                Petitioner,  
  
                                v.  
  
SACRAMENTO COUNTY SUPERIOR  
COURT,  
  
                                Respondents.

Civ. No. 2:14-2601 WBS KJN

ORDER

Petitioner is a state prisoner proceeding pro se. On November 6, 2014, petitioner filed a petition for writ of error coram vobis challenging his 2010 conviction in the Sacramento County Superior Court.<sup>1</sup> (Docket No. 1.) On February 3, 2015, this action was dismissed without prejudice and judgment was entered. (Docket Nos. 6-7.)

On June 12, 2015, petitioner filed a motion to reopen this case, and the matter was referred to a United States

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<sup>1</sup> A writ of error coram vobis is a "writ of error sent by an appellate court to a trial court to review the trial court's judgment based on an error of fact." Black's Law Dictionary (10th ed. 2014). The writ of error coram vobis has been abolished in federal civil practice. Fed. R. Civ. P. 60(e).

1 Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local  
2 Rule 302. (Docket No. 8.) The Magistrate Judge construed  
3 petitioner's motion as a motion for relief from judgment pursuant  
4 to Federal Rule of Civil Procedure 60(b). On July 22, 2015, the  
5 Magistrate Judge issued findings and recommendations denying  
6 petitioner's motion. (Docket No. 9.)

7           Petitioner filed objections to the findings and  
8 recommendations. (Docket No. 10.) In accordance with the  
9 provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this  
10 court conducted a de novo review of the entire file. In a  
11 written Order dated August 25, 2015, the court found the findings  
12 and recommendations to be supported by the record and by proper  
13 analysis. (Docket No. 11.)

14           On February 17, 2016, petitioner again filed objections  
15 to the Magistrate Judge's July 22 findings and recommendations  
16 and requested the court to "review and decide this case de novo,  
17 and reject, or modify the Magistrate's findings and  
18 recommendations." (Docket No. 12.) The court construes  
19 plaintiff's request as a request for reconsideration.

20           Three grounds may justify reconsideration: (1) an  
21 intervening change in controlling law; (2) the availability of  
22 new evidence; or (3) the need to correct clear error or prevent  
23 manifest injustice. Leslie Salt Co. v. United States, 55 F.3d  
24 1388, 1393 (9th Cir. 1995). Petitioner here raises the same  
25 objections that he raised previously. (Compare Docket No. 12,  
26 with Docket No. 11.) In his objections, petitioner does not cite  
27 any intervening change in controlling law, new evidence, or  
28 grounds demonstrating the need to correct clear error or prevent

1 manifest injustice.

2           Accordingly, IT IS HEREBY ORDERED that petitioner's  
3 request for de novo review of the Magistrate Judge's July 22  
4 findings and recommendations (Docket No. 12), construed as a  
5 motion for reconsideration, be, and the same hereby is, DENIED.

6 Dated: February 23, 2016

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8 WILLIAM B. SHUBB  
9 UNITED STATES DISTRICT JUDGE  
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