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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT C. TURNER,
Petitioner,
v.
BRIAN DUFFY,
Respondent.

No. 2:15-cv-2356 WBS CKD P

ORDER

Petitioner is a California prisoner proceeding pro se. On June 7, 2018, the court denied his petition for writ of habeas corpus. Petitioner has filed a motion asking that this habeas action be reinstated.


A district court can reconsider the entry of judgment pursuant to 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). Generally speaking, “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’s request that this action be reinstated appears to be based upon the ground that he “affirmatively denies having ever ‘filed objections to the findings and recommendations’” of the magistrate judge. He did on April 5, 2018, and his objections are in the file as Docket. No.

1 23. Accordingly, because petitioner's motion appears to be based upon a false premise, and
2 because he has failed to demonstrate that the denial of his petition was manifestly unjust,

3 IT IS HEREBY ORDERED that petitioner's motion for reinstatement of this habeas
4 action (ECF No. 32) is denied.

5 Dated: July 17, 2018


6 WILLIAM B. SHUBB
7 UNITED STATES DISTRICT JUDGE

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