

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

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

DAVID BENNETT,)	No. C 13-3641 LHK (PR)
)	
Petitioner,)	ORDER DENYING MOTION FOR
)	RECONSIDERATION
v.)	
)	(Docket Nos. 10, 11, 12, 13, 15)
GOVERNMENT EMPLOYEE,)	
)	
Respondent.)	
_____)	

Petitioner, a state prisoner proceeding *pro se*, filed a writ of habeas corpus pursuant to 28 U.S.C. § 2254 challenging a criminal judgment against him. On October 4, 2013, the court ordered petitioner to show cause why this action should not be dismissed for failure to exhaust. On December 4, 2013, after consideration of petitioner’s response, the court dismissed this action for failure to exhaust. On December 24, 2013, petitioner filed a motion for reconsideration. On February 18, 2014, petitioner filed a notice of exhaustion in which he states that he currently has a direct appeal pending with the state appellate court. (Doc. No. 13.)

Rule 60(b) of the Federal Rules of Civil Procedure provides for reconsideration where one or more of the following is shown: (1) mistake, inadvertence, surprise or excusable neglect; (2) newly discovered evidence that by due diligence could not have been discovered before the Court’s decision; (3) fraud by the adverse party; (4) voiding of the judgment; (5) satisfaction of the judgment; (6) any other reason justifying relief. *See* Fed. R. Civ. P. 60(b); *School Dist. 1J v.*

1 *ACandS Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993). In the present motion, petitioner has not
2 demonstrated a valid basis for reconsideration. Petitioner's motion for reconsideration is
3 DENIED. No further filings shall be accepted in this closed case. The clerk shall terminate all
4 pending motions as moot.

5 **IT IS SO ORDERED.**

6 DATED: 3/21/14



LUCY H. KOH
United States District Judge

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28