

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
GAINESVILLE DIVISION**

GREGORY ALLEN DAY,

Petitioner,

v.

CASE NO. 1:11cv256-MP-GRJ

M. MARTIN,

Respondent.

_____ /

ORDER

This matter is before the court on petitioner's request for reconsideration of the order which adopted the Report and Recommendation and dismissed his case. (Doc. 10). The previous order dismissed this case because the petitioner already had a § 2255 motion pending in his criminal case which raised identical issues. Now, petitioner moves the court to reconsider that decision but simply restates his original arguments; he does not address why he should be allowed to have two cases pending that cover identical arguments. Thus, the motion contains no basis for overturning the prior order of the court.

Accordingly, petitioner's request (doc. 10) is denied.

DONE and ORDERED this 30th day of May, 2012.

s/ M. Casey Rodgers

**M. CASEY RODGERS
CHIEF UNITED STATES DISTRICT JUDGE**