

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA

WILLIAM H. KLINGER,)	
)	
Petitioner,)	
v.)	No. 1:08-cv-894-SEB-TAB
)	
BRETT MIZE, Superintendent,)	
)	
Respondent.)	

ENTRY

Final judgment was entered in this action for habeas corpus relief on February 20, 2009. Both this court and the Court of Appeals thereafter declined to issue a certificate of appealability. On November 30, 2009, the clerk received from the petitioner and placed on the docket his request for reconsideration. That request has attached to it a copy of a brief filed on the petitioner's behalf in the Indiana Court of Appeals in the petitioner's appeal from the denial of his petition for post-conviction relief.

There is some indication from the way the motion to reconsider is configured that it was intended for filing in the Court of Appeals. To that extent, the motion is denied in this court for lack of jurisdiction.

Insofar as the motion for reconsideration represents a motion for relief from judgment in this court, *see Easley v. Kirmsee*, 382 F.3d 693, 696 n.2 (7th Cir. 2004)(any substantive post-judgment motion filed more than ten days after the entry of judgment is evaluated as a Rule 60(b) motion), the motion (dkt 53) is **denied** because, at most, it invites the court to find legal error in its decision and such an argument is not a proper basis for relief pursuant to Rule 60(b)—in fact, such an argument is a forbidden ground. *Marques v. FRB*, 286 F.3d 1014, 1018-19 (7th Cir. 2002).

IT IS SO ORDERED.

Date: 12/07/2009

Distribution:

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SARAH EVANS BARKER, JUDGE
United States District Court
Southern District of Indiana