

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WADE N. SCOTT,

Petitioner,

vs.

CASE NO. 08-11558
HON. LAWRENCE P. ZATKOFF

CATHERINE S. BAUMAN,

Respondent.

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OPINION AND ORDER

On May 14, 2010, Magistrate Judge Paul J. Komives issued a Report and Recommendation regarding the application for writ of habeas corpus filed by Petitioner, wherein Magistrate Judge Komives recommended that Petitioner's application for the writ of habeas corpus be denied. Petitioner did not file any timely objections to the Report and Recommendation. After a thorough review and consideration of the court file and the Report and Recommendation, on June 28, 2010, this Court adopted the Report and Recommendation and entered it as the findings and conclusions of this Court.

Two months later, Petitioner's counsel filed a motion to set aside the Report and Recommendation, wherein he asserted that he did not receive a copy of the Report and Recommendation or the Court's Opinion and Order adopting the Report and Recommendation. In the interests of: (a) judicial economy, (b) allowing Petitioner to fully argue his position, and (c) enabling the Court to fully consider all arguments in relation to Petitioner's petition, the Court permitted Petitioner to file a motion for reconsideration. Petitioner timely filed a "Motion for Reconsideration and Petitioner's Objections to

Magistrate’s Report and Recommendation” (Docket #14), which the Court now addresses.

In order to obtain reconsideration of a particular matter in the Eastern District of Michigan, however, the party bringing the motion for reconsideration must: (1) demonstrate a palpable defect by which the Court and the parties have been misled; and (2) demonstrate that “correcting the defect will result in a different disposition of the case.” E.D. MICH. L.R. 7.1(h)(3). *See also Graham ex rel. Estate of Graham v. County of Washtenaw*, 358 F.3d 377, 385 (6th Cir. 2004); *Aetna Cas. and Sur. Co. v Dow Chemical Co.*, 44 F.Supp.2d 865, 866 (E.D. Mich. 1999); *Kirkpatrick v. General Electric*, 969 F.Supp. 457, 459 (E.D. Mich. 1997). “[T]he court will not grant motions for rehearing or reconsideration that merely present the same issues ruled upon by the court, either expressly or by reasonable implication.” E.D. MICH. L.R. 7.1(h)(3).

In reviewing the four arguments set forth by Petitioner in his Motion for Reconsideration, the Court finds that each argument consists of a brief summary of the in-depth and well-argued positions that Petitioner made in his original petition for writ of habeas corpus (Docket #1). No new facts, case law or other authority has been offered. In other words, Petitioner is asking the Court to revisit the same issues expressly ruled upon by the Court when it decided Petitioner’s petition for a writ of habeas corpus. The Court therefore denies Petitioner’s Motion for Reconsideration.

IT IS SO ORDERED.

s/Lawrence P. Zatkoff
LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: March 31, 2011

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on March 31, 2011.

s/Marie E. Verlinde

Case Manager
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