

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PHILLIP BROWN,

Petitioner,

Case Number: 09-11679

v.

HON. PATRICK J. DUGGAN

SHIRLEE HARRY,

Respondent.

**ORDER DENYING PETITIONER'S MOTION
FOR RECONSIDERATION**

At a session of said Court, held in the U.S.
District Courthouse, Eastern District
of Michigan, August 7, 2009.

PRESENT: THE HONORABLE PATRICK J. DUGGAN
U.S. DISTRICT COURT JUDGE

This matter is before the Court on Petitioner's motion for reconsideration of the Court's July 13, 2009 decision denying Petitioner's motion to hold his habeas case in abeyance and dismissing his petition without prejudice to allow him to fully exhaust his state court remedies as to each of his habeas claims. Petitioner contends that the Court should have held his "mixed petition" in abeyance rather than dismissing it without prejudice.

A motion for reconsideration which presents issues already ruled upon by the court, either expressly or by reasonable implication, will not be granted. E.D. Mich. LR 7.1(g)(3); *see also Hence v. Smith*, 49 F. Supp. 2d 547, 550 (E.D. Mich. 1999). Petitioner

has not met his burden of showing a palpable defect by which the Court has been misled or that a different disposition must result from a correction thereof, as required by Rule 7.1(g)(3). *Id.*

Accordingly,

IT IS ORDERED, that Petitioner's motion for reconsideration is **DENIED**.

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copies to:
Phillip Brown, #271566
Muskegon Correctional Facility
2400 S. Sheridan
Muskegon, MI 49442