

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CORNELIUS CORNELLE CARSWELL,

Petitioner,

Case No. 10-12097

Honorable Patrick J. Duggan

v.

SHIRLEE HARRY,

Respondent.

**OPINION AND ORDER DENYING PETITIONER'S MOTION FOR
RECONSIDERATION AND DENYING CERTIFICATE OF APPEALABILITY**

On May 25, 2010, Cornelius Cornelle Carswell (“Petitioner”), a Michigan prisoner, filed a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. §2254. Petitioner challenges his 2005 convictions following a bench trial for kidnapping in violation of Michigan Compiled Laws § 750.349 and assault with intent to do great bodily harm less than murder in violation of Michigan Compiled Laws § 750.84. In an opinion and order issued on October 4, 2011, the Court concluded that Petitioner’s grounds in support of his request for habeas relief lack merit. Presently before the Court is Petitioner’s motion for reconsideration pursuant to Eastern District of Michigan Local Rule 7.1(h), filed October 21, 2011.

Rule 7.1(h) provides that a motion for reconsideration only should be granted if the movant demonstrates that the Court and the parties have been misled by a palpable defect and that a different disposition of the case must result from a correction of such a palpable defect. *Id.* A motion that merely presents the same issues already ruled upon by the Court shall not be granted. *Id.*

In his motion for reconsideration, Petitioner asserts the same arguments that he raised in his petition for habeas relief to challenge his kidnapping conviction. He fails to demonstrate that this Court committed a palpable defect when it rejected the grounds for relief set forth in that petition. The Court continues to believe that jurists of reason could not disagree with its resolution of Petitioner's claims. It therefore also denies Petitioner a certificate of appealability to the extent he seeks to appeal this decision.

Accordingly,

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

IT IS FURTHER ORDERED, that Petitioner is denied a certificate of appealability with respect to this Opinion and Order.

Date: November 4, 2011

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copies to:
Cornelius Cornelle Carswell
#586447
Pugsley Correctional Facility
7401 E. Walton Road
Kingsley, MI 49649

AAG Laura Moody