UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DEANDRE A. MULLINS,

Petitioner, Case Number: 2:11-CV-14678

v. HONORABLE ARTHUR J. TARNOW

KENNETH MCKEE,

Respondent.
_____/

ORDER DENYING PETITIONER'S MOTION FOR RECONSIDERATION (ECF No. 27)

On January 9, 2018, the Court denied Petitioner Deandre A. Mullins' petition for a writ of habeas corpus and denied a certificate of appealability. (ECF No. 18.) Mullins filed a notice of appeal. (ECF No. 20.) The Sixth Circuit Court of Appeals denied a certificate of appealability. (ECF No. 24.) Mullins then filed a Letter-Motion to Extend Time to File an Appeal in this Court. (ECF No. 26.). The Court denied the motion as moot because Mullins filed a timely notice of appeal. (ECF No. 28.) Now before the Court is Mullins' Motion for Reconsideration.

Mullins asks the Court to reconsider the denial of his motion to extend the time to file an appeal, or, in the alternative, to reissue the Opinion and Judgment denying habeas relief in order to restart the appeal clock. Motions for rehearing or reconsideration may be granted when the moving party shows (1) a "palpable defect," (2) by which the court and the parties were misled, and (3) the correction of which will result in a different disposition of the case. E.D. Mich. L.R. 7.1(h)(3). A "palpable defect" is a "defect

which is obvious, clear, unmistakable, manifest or plain." *Olson v. The Home Depot*, 321 F. Supp. 2d 872, 874 (E.D. Mich. 2004).

Mullins fails to show that the Court's decision was based upon a palpable defect. Mullins filed a timely notice of appeal and the Sixth Circuit Court of Appeals addressed the merits of his request for a certificate of appealability. While a court may, under limited circumstances, vacate and reinstate the denial of a habeas petition where equitable relief is appropriate, there is no need to do so here because the notice of appeal was timely. *See Tanner v. Yukins*, 776 F.3d 434, 439 (6th Cir. 2015).

Accordingly, it is **ORDERED** that the Motion for Reconsideration (ECF No. 27) is **DENIED**.

s/Arthur J. Tarnow
ARTHUR J. TARNOW
UNITED STATES DISTRICT JUDGE

Dated: March 23, 2020