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UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

QUNTIUS SAUNDERS,

Petitio	oner,	Civil No. 2:11-CV-14863	
		HONORABLE ARTHUR J. TARNO	W

v.

KEN ROMANOWSKI,

Respondent.

ORDER DENYING MOTION FOR RECONSIDERATION [dkt. #18]

On May 9, 2013, the court denied Petitioner a writ of habeas corpus, in part finding that the state court adjudication of his confrontation claim was not unreasonable. The Court, however, granted a certificate of appealability to Petitioner on this claim. Respondent now moves for reconsideration of the order granting the certificate of appealability. For the reasons stated below, the court will deny the motion.

Local Rule 7.1(h) allows a party to file a motion for reconsideration. However, a motion for reconsideration which presents the same issues already ruled upon by the court, either expressly or by reasonable implication, will not be granted. *Ford Motor Co. v. Greatdomains.com, Inc.*, 177 F. Supp. 2d 628, 632 (E.D. Mich. 2001). The movant must not only demonstrate a palpable defect by which the court and the parties have been misled but also show that a different disposition of the case must result from a correction thereof. A palpable defect is a defect that is obvious, clear, unmistakable, manifest, or plain. *Witzke v. Hiller*, 972 F. Supp. 426, 427 (E.D. Mich. 1997).

Respondent argues that a certificate of appealability should have been denied because the

second complainant's statements to police about being similarly robbed by Petitioner were exactly

the type of statements that are admissible under Michigan v. Bryant, 131 S. Ct. 1143 (2011), as

statements regarding an ongoing emergency. Bryant was decided barely two years ago and involved

a discrete set of facts. Not all reasonable jurists could possibly yet agree on the scope of its holding

and the myriad different factual permutations to which it may or may not apply. Respondent has not

demonstrated a palpable defect by which the court and the parties have been misled or shown that

a different disposition of the case must result from a correction thereof.

Accordingly, IT IS ORDERED that Respondent's "Motion For Reconsideration" [Dkt. #

18] is **DENIED**.

s/Arthur J. Tarnow

Arthur J. Tarnow

Senior United States District Judge

Dated: July 19, 2013

I hereby certify that a copy of the foregoing document was served upon parties/counsel of record

on July 19, 2013, by electronic and/or ordinary mail.

s/Catherine A. Pickles

Judicial Assistant

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