

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

KEVIN SMITH,

Petitioner,

v.

RANDALL HAAS,

Respondent.

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Civil No. 2:14-11540

HONORABLE PAUL D. BORMAN  
UNITED STATES DISTRICT JUDGE

**OPINION AND ORDER DENYING  
THE MOTION FOR RECONSIDERATION**

On October 19, 2015, this Court denied the petition for writ of habeas corpus that had been filed pursuant to 28 U.S.C. § 2254. The Court also denied petitioner a certificate of appealability and leave to appeal *in forma pauperis*. *Smith v. Haas*, No. 2:14-CV-11540, 2015 WL 5697634 (E.D. Mich. Sept. 29, 2015).

Petitioner filed a motion for reconsideration. For the reasons that follow, the Court will deny petitioner's motion for reconsideration.

U.S. Dist.Ct. Rules, E.D. Mich. 7.1 (h) allows a party to file a motion for reconsideration. In order for a court to grant a motion for reconsideration, the movant must show (1) a palpable defect; (2) that misled the court and the parties; and (3) that correcting the defect will result in a different disposition of the case. *Sigma Financial Corp. v. American Intern. Specialty Lines Ins. Co.*, 200 F. Supp. 2d 710, 715 (E.D. Mich. 2002). A 'palpable defect' is a defect which is considered "obvious, clear, unmistakable, manifest, or plain." *Id.* As a general rule, a court will not grant a motion for rehearing or reconsideration that merely presents the same issues ruled

upon by the court, either expressly or by reasonable implication. *Id.*

Petitioner's motion for reconsideration will be denied. Petitioner is merely presenting issues which were already ruled upon by this Court, either expressly or by reasonable implication, when the Court denied petitioner's habeas application and declined to issue a certificate of appealability or leave to appeal *in forma pauperis*. See *Hence v. Smith*, 49 F. Supp. 2d 547, 553 (E.D. Mich. 1999).

**IT IS HEREBY ORDERED** that the motion for reconsideration [Dkt. # 18] is **DENIED. SO ORDERED.**

s/Paul D. Borman  
PAUL D. BORMAN  
UNITED STATES DISTRICT JUDGE

Dated: October 26, 2015

#### CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on October 26, 2015.

s/Deborah Tofil  
Case Manager