

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

WILLIAM CRUMP,

Petitioner,

Case Number: 2:16-CV-13381
HON. DENISE PAGE HOOD

v.

SHERRY BURT,

Respondent.

**ORDER DENYING PETITIONER'S MOTION
FOR RECONSIDERATION (ECF NO. 19)**

Michigan state prisoner William Crump filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254. He raised two claims: (i) he received ineffective assistance of counsel because his defense attorney failed to convey the prosecution's final plea offer; and (ii) he was handcuffed during his trial. On September 25, 2019, the Court denied the petition and denied a certificate of appealability. (ECF No. 17.) Now before the Court is Petitioner's motion for reconsideration.

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). 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. E.D. Mich. L.R. 7.1(h); *Streater v. Cox*, 336 F. App’x 470, 477 (6th Cir. 2009).

Crump fails to show that the Court’s decision was based upon a palpable defect. Instead, he raises the same arguments already considered and denied. His arguments for reconsideration concern the state court’s factual findings that counsel communicated the plea offer to Crump and that Crump’s handcuffs were not visible to the jury. The Court held that Crump failed to rebut these factual findings with clear and convincing evidence. *See* 28 U.S.C. § 2254(e)(1). Crump fails to show that the Court’s decision denying habeas corpus relief and a certificate of appealability was based upon a palpable defect.

Accordingly, it is **ORDERED** that the Motion for Reconsideration (ECF No. 19) is **DENIED**.

s/Denise Page Hood
United States District Judge

Dated: April 17, 2020

I hereby certify that a copy of the foregoing document was served upon counsel of record on April 17, 2020, by electronic and/or ordinary mail.

S/LaShawn R. Saulsberry
Case Manager