

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL ANTHONY GIUCHICI,

Petitioner,

Case Number: 2:20-CV-11065
Honorable Sean F. Cox

v.

SHANE JACKSON,

Respondent.

**ORDER DENYING PETITIONER'S
MOTION FOR RECONSIDERATION (ECF NO. 4)**

Michael Anthony Giuchici, a Michigan prisoner, is serving a non-parolable term of life imprisonment for first-degree murder. In April 2020, Giuchici filed a *pro se* habeas corpus petition challenging the murder conviction. The Court determined that the petition was an unauthorized second petition and transferred the petition to the Sixth Circuit Court of Appeals. (ECF No. 3.) Now before the Court is Giuchici's Motion for Reconsideration.

Giuchici seeks reconsideration under Federal Rule of Civil Procedure 59(e). The disposition of a motion filed under Rule 59(e) is "entrusted to the court's sound discretion." *Keweenaw Bay Indian Community v. United States*, 940 F. Supp. 1139, 1140 (W.D. Mich. 1996) (citing *Huff v. Metropolitan Life Ins. Co.*,

675 F.2d 119, 122 (6th Cir. 1982)). Giuchici argues that the Court erred in construing his petition as successive because his state-court conviction was constitutionally infirm. He argues that, “since there was no conviction by law, there could not have been [an earlier] petition.” (ECF No. 4, PageID.66.)

The Sixth Circuit Court of Appeals denied Giuchici authorization to file a successive petition on November 25, 2020. (ECF No. 5.) In its decision, the Sixth Circuit held “the district court properly transferred Giuchici’s petition to this court to consider whether to authorize the filing of a second or successive petition.” (*Id.* at PageID.76.) Given the Court of Appeals’ holding, Giuchici fails to establish any basis for granting reconsideration.

Accordingly, the Court DENIES Petitioner’s Motion for Reconsideration (ECF No. 4).

SO ORDERED.

Dated: January 8, 2021

s/Sean F. Cox
Sean F. Cox
U. S. District Judge