

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

ROSCOE MARTIN,

Petitioner,

Case Number: 2:20-CV-11712
HON. DENISE PAGE HOOD

v.

WILLIS CHAPMAN,

Respondent.

OPINION AND ORDER DENYING MOTIONS (ECF NOS. 9, 10, 11)

On April 30, 2020, Michigan state prisoner Roscoe Martin filed a “Motion for Release from Custody/Writ of Mandamus.” (ECF No. 1, PageID.1.) He asked to be released from prison because of the COVID-19 pandemic and his claim of innocence. The Court held that Petitioner failed to satisfy the standard for mandamus relief and dismissed the case. (ECF No. 5.) Now before the Court are Petitioner’s “Motion to Reduce Sentence and for Emergency Release” (ECF No. 9), “Motion for Immediate Release from Custody” (ECF No. 10), and “Emergency Motion for Immediate Reduction of Sentence” (ECF No. 11.)

Petitioner’s three motions all seek the same relief – release from custody. But the Court already denied this relief. To the extent Petitioner seeks reconsideration of the dismissal order, reconsideration is not warranted.

Reconsideration may be granted when the moving party shows a “palpable defect by which the court and the parties were misled,” and “that correcting the defect 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). Petitioner’s arguments do not persuade the Court that its decision denying mandamus relief was based upon a palpable defect. Reconsideration will be denied. To the extent that Petitioner wishes to seek relief under 28 U.S.C. § 2241 or § 2254, he must initiate a new action.

Accordingly, for the reasons stated, Petitioner’s “Motion to Reduce Sentence and for Emergency Release” (ECF No. 9), “Motion for Immediate Release from Custody” (ECF No. 10), and “Emergency Motion for Immediate Reduction of Sentence” (ECF No. 11) are DENIED.

s/Denise Page Hood
Chief Judge, United States District Court

Dated: May 13, 2021