

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SEAN MICHAEL RYAN,

Petitioner,

Case No. 14-11611

v.

Honorable Linda V. Parker

WILLIAM SMITH,

Respondent.

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**OPINION AND ORDER DENYING PETITIONER'S MOTION TO
REOPEN HABEAS CORPUS PETITION (ECF NO. 93)**

Michigan prisoner Sean Michael Ryan (“Petitioner”) filed a pro se habeas corpus petition under 28 U.S.C. § 2254, challenging his state court convictions for seven counts of first-degree criminal sexual conduct in violation of Michigan Compiled Laws Section 750.520b(1)(a) (penetration of a person under thirteen years of age). On May 16, 2017, this Court issued an opinion and order concluding that Petitioner is not entitled to habeas relief and declining to issue Petitioner a certificate of appealability. (ECF No. 80.) Petitioner’s attempt to appeal the decision to the Sixth Circuit Court of Appeals was unsuccessful when that court also denied Petitioner a certificate of appealability. (ECF No. 85.) The United States Supreme Court denied his petition for the writ of certiorari on June 11, 2018. (ECF No. 90.) Petitioner has tried, unsuccessfully, to resurrect his

habeas petition (*see* ECF No. 92), and now asks this Court to reopen the petition to reargue his Fourth Amendment and ineffective assistance of counsel claims “[b]ecause [t]he ruling that this honorable court made the first time were contrary to the rule of stare decisis and was also contrary to the clearly established law of the United States Supreme Court” (ECF No. 93).

Neither the Sixth Circuit Court of Appeals nor the United States Supreme Court agree with Petitioner’s assessment of this Court’s May 16, 2017 decision. Petitioner has exhausted the avenues available to challenge that decision and the Antiterrorism and Effective Death Penalty Act of 1996 prevents him from pursuing an amended or second petition here. *See* 28 U.S.C. § 2244(b)(3)(A).

For those reasons,

IT IS ORDERED that Petitioner’s motion to reopen his habeas petition is **DENIED**.

IT IS FURTHER ORDERED that these habeas proceedings are closed and Petitioner shall file no additional motions under this case number.

IT IS SO ORDERED.

s/ Linda V. Parker

LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: August 30, 2021

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, August 30, 2021, by electronic and/or U.S. First Class mail.

s/Aaron Flanigan

Case Manager