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UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

JOHN THOMAS FISHER,

Petitioner,

v.

CASE NO. 5:11-CV-14411 HONORABLE JOHN CORBETT O'MEARA

J.S. WALTON,

Respondent.

ORDER DENYING PETITIONER'S MOTION TO ALTER OR AMEND JUDGMENT UNDER RULE 59(e)

This matter is before the Court on Petitioner's "Motion to Alter or Amend Judgment Under Rule 59(e)" concerning the Court's non-prejudicial dismissal of his habeas petition brought pursuant to 28 U.S.C. § 2241. Petitioner's motion must be denied. A motion for new trial or reconsideration which presents issues already ruled upon by the court, either expressly or by reasonable implication, will not be granted. *See Hence v. Smith*, 49 F. Supp. 2d 547, 550 (E.D. Mich. 1999); *Czajkowski v. Tindall & Assoc.*, *P.C.*, 967 F. Supp. 951, 952 (E.D. Mich. 1997). The Court properly addressed the dismissal versus transfer issue in its prior dismissal order. Petitioner has not met his burden of showing a palpable defect by which the Court has been misled or his burden of showing that a different disposition must result from a correction thereof, as required by Local Rule 7.1(h)(3). Accordingly, the Court **DENIES** Petitioner's motion. This case is closed.

IT IS SO ORDERED.

s/John Corbett O'MearaUnited States District Judge

Date: December 9, 2011

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, December 9, 2011, using the ECF system and/or ordinary mail.

s/William Barkholz Case Manager