

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WALTER CUMMINGS,

Petitioner,

Case No. 5:17-cv-10255

Hon. John Corbett O'Meara

v.

SHERMAN CAMPBELL,

Respondent.

ORDER DENYING MOTION FOR RECONSIDERATION [Dkt. 4]

Petitioner, Walter Cummings, a state prisoner, filed this case under 28 U.S.C. § 2254, challenging his Michigan convictions. On January 31, 2017, the Court summarily denied the petition, finding that Petitioner's claims were without merit. Presently before the Court is Petitioner's motion for reconsideration.

Local Rule 7.1(h) allows a party to file a motion for reconsideration. However, 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. *Ford Motor Co. v. Greatdomains.com, Inc.*, 177 F. Supp. 2d 628, 632 (E.D. Mich. 2001). The movant must not only demonstrate a palpable defect by which the court and the parties have been misled but also show that a different disposition of the case must result from a correction thereof. A palpable defect is a defect that is obvious, clear,

unmistakable, manifest, or plain. *Witzke v. Hiller*, 972 F. Supp. 426, 427 (E.D. Mich. 1997).

In the present case, the arguments raised by Petitioner in his motion for reconsideration were already rejected by the Court in its opinion dismissing the petition either explicitly or by implication. Petitioner continues to assert that his sentencing claim is supported by the same Supreme Court cases that this Court already found did not apply to his claim in the opinion dismissing the petition. Because Petitioner is merely presenting issues which were already ruled upon by the court, either expressly or by reasonable implication, the motion for reconsideration is **DENIED**. See *Hence v. Smith*, 49 F. Supp. 2d 547, 553 (E.D. Mich. 1999).

SO ORDERED.

s/John Corbett O'Meara
United States District Judge

Date: May 30, 2017

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, May 30, 2017, using the ECF system and/or ordinary mail.

s/William Barkholz
Case Manager