

Moreover, this court reasoned that even if there were such a right and counsel's failure violated that right, there was no prejudice to petitioner because he filed a *pro se* motion for new trial.

Petitioner has not demonstrated that the court erred in dismissing this case, and the court dismissed this case more than fifteen years ago. As a result, the motion for reconsideration is without merit.

Accordingly,

IT IS HEREBY ORDERED that petitioner's motion for relief from judgment under Fed. R. Civ. P. 60(b)(6) (Doc. 152) is **DENIED**.

IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**, because petitioner has made no substantial showing that he has been deprived of a constitutional right. 28 U.S.C. § 2253(c).

/s/ David D. Noce
UNITED STATES MAGISTRATE JUDGE

Signed on June 9, 2017.