

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

FREDERICK SPENCER,

Petitioner,

v.

JAMES HURLEY,

Respondent.

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Case No. 4:11CV01306 AGF

MEMORANDUM AND ORDER

This matter is before the Court on Petitioner's motion to alter or amend the judgment entered in this case on June 6, 2014, denying Petitioner's application for federal habeas relief. While Petitioner raises cogent arguments, the Court continues reluctantly to believe that habeas relief must be denied because the state court's decision was not contrary to, nor did it involve "an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States" as of the time of the state court decision, as required by 28 U.S.C. § 2254(d)(1) for federal habeas relief.

Accordingly,

IT IS HEREBY ORDERED that Petitioner's motion to alter or amend the judgment in this case is **DENIED**. (Doc. No. 42.)



AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 8th day of July, 2014.