

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION**

FILED
BILLINGS DIV.
2011 SEP 30 PM 2 38
PATRICK E. DUFFY, CLERK
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JOHN KESSEL,)
)
 Petitioner,)
)
)
 v.)
)
 ROBERT DOOLEY; ATTORNEY)
 GENERAL OF THE STATE OF)
 MONTANA,)
)
 Respondents.)
 _____)

Cause No. CV-11-358-BU-RFC

**ORDER ADOPTING FINDINGS
AND RECOMMENDATIONS OF
U.S. MAGISTRATE JUDGE**

Petitioner has moved the Court to reconsider its Order dismissing his § 2254 habeas petition for lack of jurisdiction because it is an unauthorized second or successive petition. *Doc. 8*. First, the motion must be denied because judgment has already been entered, because Petitioner did not seek leave of Court before filing the motion, and because there is no cause for reconsideration since neither the material facts nor the applicable law have changed, *see* Local Rule 7.3.. Moreover, even if the procedural prerequisites were satisfied, nothing can change the fact that this Court lacks jurisdiction over this case because it is a second or successive petition challenging the same conviction.

The motion for reconsideration (*doc. 8*) is **DENIED**. This Court will not consider any further filings by Petitioner in this case.

SO ORDERED.

DATED this 30 day of September, 2017.



RICHARD F. CEBULL
UNITED STATES DISTRICT JUDGE