

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

ROBERT DAVIS, ) 8:12CV107  
 )  
Petitioner, )  
 )  
v. ) **MEMORANDUM  
AND ORDER**  
 )  
STATE OF NEBRASKA, )  
 )  
 )  
Respondent. )

This matter is before the court on Petitioner's Motion for Return of Cause Stated, which the court liberally construes as a Motion to Alter or Amend Judgment, filed pursuant to [Federal Rule of Civil Procedure 59\(e\)](#). (Filing No. [16](#).) In his Motion, Petitioner disagrees with the court's August 27, 2012, Memorandum and Order and Judgment which dismissed his Petition for Writ of Habeas Corpus because it was clear that he was not in state custody and had not alleged that he was being held in violation of the Constitution or laws or treaties of the United States. (Filing Nos. [14](#) and [15](#).) The court has carefully reviewed Petitioner's Motion and finds no good cause to amend or alter any portion of its August 27, 2012, Memorandum and Order or Judgment.

IT IS THEREFORE ORDERED that: Petitioner's Motion for Return of Cause Stated, liberally construed as a Motion to Alter or Amend Judgment (filing no. [16](#)) is denied.

DATED this 10<sup>th</sup> day of October, 2012.

BY THE COURT:

s/ Joseph F. Bataillon

United States District Judge