

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

TELESFORO ALVARADO,

Petitioner,

vs.

BRAD HANSEN, Warden et. al.;

Respondent.

8:17CV283

**MEMORANDUM
AND ORDER**

This matter is before the court on Petitioner's Motion for Reconsideration ([Filing No. 35](#)) of the court's August 22, 2018 Memorandum and Order ([Filing No. 33](#)) and Judgment ([Filing No. 34](#)) that dismissed Petitioner's Petition for Writ of Habeas Corpus with prejudice. In this Motion, Petitioner argues that the court misinterpreted his habeas petition and misapplied the law and that Respondent failed to follow the Rules Governing § 2254 cases. Upon consideration of Petitioner's motion, the court finds no merit to his arguments. Specifically, to the extent Petitioner claims the court erred in failing to construe his petition as seeking redress for errors in his state court postconviction proceeding, such claims are not cognizable in federal habeas actions. See *Jenkins v. Houston*, 4:05CV3099, 2006 WL 126632 (D. Neb. 2006) (collecting cases holding that errors during state postconviction review are not cognizable in a federal habeas corpus action); accord *Floyd v. Frakes*, No. 8:13CV195, 2017 WL 3394585, at *2 (D. Neb. Aug. 7, 2017). Thus, the court finds no good cause to reconsider its previous Memorandum and Order and Judgment.

IT IS THEREFORE ORDERED that Petitioner's Motion for Reconsideration ([Filing No. 35](#)) is denied.

Dated this 14th day of September, 2018.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge