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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

STEPHEN WENDELL SMYTHE,)
)
 Petitioner,)
)
 vs.)
)
 CRAIG FARWELL, *et al.*,)
)
 Respondents.)
 /

3:04-cv-00462-LRH-RAM

ORDER

On August 3, 2007, the Court dismissed with prejudice this *pro se* petition for a writ of habeas corpus. (Docket #44). Judgment was entered on August 6, 2007. (Docket #45). By order filed January 17, 2008, this Court denied petitioner’s motion for reconsideration. (Docket #47). Petitioner filed a notice of appeal. (Docket #52). On December 23, 2008, the Court of Appeals denied petitioner’s application for a certificate of appealability and denied all pending motions. (Docket #56). On December 24, 2008, petitioner filed a motion to vacate judgment in this action. (Docket #57). Petitioner has failed to make an adequate showing under the Federal Rules that the judgment entered in this action should be vacated.

IT IS THEREFORE ORDERED that petitioner’s motion to vacate judgment (Docket #57) is **DENIED**.

Dated this 2nd day of April, 2009.

LARRY R. HICKS
UNITED STATES DISTRICT JUDGE