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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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EUGENE ANTHONY LINDER,

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Petitioner,

3:07-cv-00425-HDM-RAM

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vs.

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ORDER

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BILL DONAT, *et al.*,

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Respondents.

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This habeas matter under 28 U.S.C. § 2254 comes before the Court on petitioner's motion (#47) for reconsideration. While petitioner invokes Rule 60 of the Federal Rules of Civil Procedure, the motion was filed within the 28-day period for seeking relief under Rule 59. The Court accordingly reviews the motion under Rule 59.

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The Court denied the petition in an order and judgment entered on June 15, 2010. The Court denied the petition on the merits as to Grounds 1 and 2 and on the basis of procedural default as to Ground 3. The Court granted a certificate of appealability (COA) as to Grounds 1 and 2(c) but denied a COA as to the remaining claims.

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Petitioner filed a timely notice of appeal, and the matter has been docketed in the Court of Appeals. See #46. The certificate of service on the present motion reflects that the motion was mailed for filing on or about July 9, 2010, which is within the 28-day period in Rule 59 for seeking relief pursuant to that rule.

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Petitioner seeks reconsideration of the Court's denial of Ground 1 on the merits. The motion rehashes arguments or variations of arguments that the Court considered either

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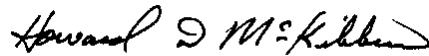
1 explicitly or implicitly in its prior order. The Court remains unpersuaded by petitioner's
2 arguments. The motion will be denied, for the reasons previously assigned in the order of
3 dismissal.

4 IT THEREFORE IS ORDERED that petitioner's motion (#47) for reconsideration is
5 DENIED.

6 The Clerk of Court shall forward a copy of this order to the Court of Appeals via either
7 a supplemental transmittal or a notice of electronic filing, as per the Clerk's current practice
8 in this regard, in connection with that court's No. 10-16407.

9 DATED: July 19, 2010.

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HOWARD D. MCKIBBEN
United States District Judge