IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

WILLIAM SNOWDEN, JR.,	)	CASE NO. 4:17 CV 0208
	)	
Plaintiff,	)	JUDGE JAMES G. CARR
	)	
v.	)	MAGISTRATE JUDGE
	)	WILLIAM H. BAUGHMAN, JR.
CHARMAINE BRACY,	)	
	)	**MEMORANDUM OPINION AND**
Defendant.	)	**ORDER**

Before me by referral[1] is the *pro se* petition of William Snowden, Jr. for a writ of

habeas corpus under 28 U.S.C. § 2254.[2] Here, Snowden has moved to clarify the record

as to purported misstatements of the record by the State in its return of the writ[3] and in

this Court's order of September 6, 2017,[4] which denied Snowden's motions for an

evidentiary hearing and for immediate release on bond and which noted the State's return

of the writ.

Regardless of any alleged lack of precision in any summary background reference,

the exact terms of Snowden's third ground for habeas relief have not been altered or

amended in any way. Further, the fragmentary summary to which Snowden objects was

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[1]The matter was referred to me under Local Rule 72.2 by United States District
Judge James G. Carr in a non-document order entered March 20, 2017.

[2]ECF No. 1.

[3]ECF No. 13.

[4]ECF No. 16.

simply contextual *dicta* contained in – and not the holding of – the ruling issued on September 6. Finally, neither Rule 59(e), which governs motions to alter or amend judgment, or Rule 60(b), which applies to motions for relief from judgment, are available as means by which a party may vacate *dicta* in a court decision.[5]

Thus, inasmuch as the present motion merely seeks to more precisely restate Snowden's third ground for habeas relief, which ground Snowden asserts was not accurately summarized in the filings mentioned above, or seeks to entirely remove the prior language, the motion is denied as non-cognizable.

Dated: August 2, 2018   s/ William H. Baughman, Jr.
                                                          United States Magistrate Judge

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[5]*F.D.I.C. v. Ernst & Young, LLP*, 216 F.R.D. 422, 423 (E.D. Illinois 2003) (citation omitted).