

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

MUSA IKHARO,

Petitioner,

v.

Case No. 2:12-cv-489

JUDGE GREGORY L. FROST

Magistrate Judge Elizabeth P. Deavers

**ATTORNEY GENERAL
MIKE DEWINE,**

Defendant.

ORDER

This matter is before the Court for consideration of Petitioner's motion for reconsideration of the Court's February 24, 2014 Order denying Petitioner's request for a certificate of appealability. (ECF No. 35.) For the reasons that follow, the Court **DENIES** the motion.

As explained in its February 24, 2014 Order denying Petitioner's request for a certificate of appealability, the Court ruled on July 22, 2013 that Petitioner's claim must be dismissed. (ECF No. 28.) In the July 22, 2013 Order, the Court adopted the Magistrate Judge's Report and Recommendation ("R&R") (ECF No. 23) recommending that this case be dismissed because it is time-barred and because Petitioner was no longer "in custody" at the time he filed his petition. (*Id.*) Petitioner filed objections to the R&R (ECF No. 25), which the Court considered and ultimately rejected.

Typically, a court will consider a motion for reconsideration if there exists: (1) an intervening change of controlling law, (2) new evidence available, or (3) a need to correct a clear error or prevent manifest injustice. *Rodriguez v. Tenn. Laborers Health & Welfare Fund*, 89 F.

App'x 949, 959 (6th Cir. 2004) (citing *Reich v. Hall Holding Co.*, 990 F. Supp. 955, 965 (N.D. Ohio 1998)). Petitioner's motion for reconsideration, which asserts that this case is not time-barred, does not raise any new grounds that would warrant reconsideration of the Court's July 22, 2013 Order adopting the R&R or the Court's February 24, 2012 Order denying Petitioner's request for a certificate of appealability. Moreover, Petitioner's motion does not even address the second ground on which the Court ruled that dismissal is proper: that Petitioner was not "in custody" at the time he filed his petition.

Reconsideration is not warranted in this case. Accordingly, the Court **DENIES** Petitioner's motion for reconsideration of the Court's Order denying Petitioner's request for a certificate of appealability (ECF No. 35).

IT IS SO ORDERED.

/s/ Gregory L. Frost
GREGORY L. FROST
UNITED STATES DISTRICT JUDGE