

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

WILLIAM G. MOORE,	)	
	)	
Petitioner,	)	3: 12-CV-01899-JO
	)	
v.	)	
	)	
MARION FEATHER, Warden,	)	ORDER
	)	
Respondent.	)	

JONES, District Judge.

Petitioner in this § 2241 habeas action has filed what the Court construes as a Motion for Reconsideration (titled "motion for new trial") of the Court's December 13, 2012 Order and Judgment dismissing this case for lack of jurisdiction.

"Reconsideration is appropriate if the district court (1) is presented with newly discovered evidence, (2) committed clear error or the initial decision was manifestly unjust, or (3) if there is an intervening change in controlling law." School Dist. No. 1 J.

Multnomah County, Or. v. ACandS, Inc., 5 F.3d 1255, 1263 (9th Cir. 1993).

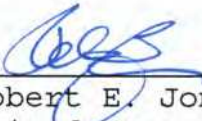
In his motion for reconsideration, petitioner insists the Court dismissed his petition by improperly excluding "newly discovered" irrefutable extra-record evidence that the government withheld materially exculpatory evidence at his 1996 trial. These arguments notwithstanding, petitioner has failed to demonstrate that the Court's Order dismissing his action for lack of jurisdiction based on petitioner's failure to satisfy Section 2255's savings clause requirements was inappropriately entered. Accordingly, his Motion for Reconsideration [14] is DENIED.

CONCLUSION

Based on the foregoing, petitioner's Motion for Reconsideration [14] and Motion for Summary Judgment [15] are DENIED.

IT IS SO ORDERED.

DATED this 25<sup>th</sup> day of February, 2013.

  
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Robert E. Jones  
United States District Judge