

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KIRK LUCAS	:	CIVIL ACTION
	:	
v.	:	
	:	
JOSEPH PIAZZA, et al.	:	No. 07-3556

MEMORANDUM AND ORDER

LOWELL A. REED, JR., Sr. J.

AND NOW, this 16th day of November, 2010, upon consideration of petitioner's motion for reconsideration (Doc. No. 40) of my August 5, 2010, memorandum and order (Doc. Nos. 27, 28), as well as Respondents' response thereto (Doc. No. 42), the Court makes the following findings and conclusions:

1. On August 20, 2007, Kirk Lucas ("Lucas") filed a petition for writ of habeas corpus (Doc. No. 1) alleging due process violations during his resentencing.¹ After a close and objective review of the arguments and evidence, I found that Lucas's claims were meritless. As a result, I denied the petition with prejudice and without a hearing, and ordered that a certificate of appealability not be issued. See Lucas v. Piazza, No. 07-3556 (E.D. Pa. August 5, 2010) (Doc. Nos. 27, 28). Presently before the Court is Lucas's motion for reconsideration, asking the Court to withdraw its order and grant habeas relief on his sentencing claims.

2. Federal Rule of Civil Procedure 59(e) and Local Civil Rule 7.1(g) of the United States District Court for the Eastern District of Pennsylvania allow parties to file motions for reconsideration or amendment of a judgment. Fed. R. Civ. P. 59(e); E.D. Pa. R. Civ. P. 7.1(g). These motions should be granted sparingly, reconsidering the issues only when: (1) there has been an intervening change in controlling law; (2) new evidence has become available; or (3) there is a need to prevent manifest injustice or correct a clear error of law or fact. North River Ins. Co. v. CIGNA Reinsurance Co., 52 F.3d 1194, 1218

¹Although Lucas also presented a claim of ineffective assistance of counsel, he asked this court to delete that claim from his habeas petition. See Lucas v. Piazza, No. 07-3556, at 7 (E.D. Pa. August 5, 2010) (Doc. No. 40).