

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

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James Vang,)
)
Petitioner,)
)
vs.)
)
Warden of Perry Correctional Institution,)
)
Respondent.)
)
)
)
_____)

Civil Action No. 0:08-cv-2829-RMG-PJG

ORDER

Before the Court is Petitioner’s motion to reconsider (Dkt. No. 95) in which Petitioner requests that this Court reconsider or alter its prior decision granting summary judgment in favor of Respondents and dismissing Petitioner’s habeas petition. (Dkt. No. 92). For the reasons setforth herein, this Court denies Petitioner’s motion to reconsider and the judgment of this Court stands.

Law/Analysis

In his motion to reconsider, Petitioner argues that this Court erred in its analysis. Plaintiff is incorrect. Petitioner has failed to meet the rigorous standards of *Strickland v. Washington* in order to warrant relief. Petitioner likewise cannot show that the state court unreasonably misapplied clearly established federal law in rejecting his claim. Therefore, Petitioner has not demonstrated that reasonable jurists would find this court's assessment of his constitutional claims debatable or wrong and that any dispositive procedural ruling by the district court is likewise debatable. *See Miller-El v. Cockrell*, 537 U.S. 322, 336, 123 S.Ct. 1029, 154 L.Ed.2d 931 (2003). Thus, no certificate of appealability should issue.

Conclusion

Based on the above, this Court **denies** Plaintiff's motion to reconsider.

AND IT IS SO ORDERED.



Richard Mark Gergel
United States District Court Judge

December 8, 2010
Charleston, South Carolina