

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

Richard J. Bobka,)	C/A No.: 0:18-1029-JFA
)	
Plaintiff,)	
)	
v.)	
)	ORDER
)	
Warden Joyner,)	
)	
Defendant.)	
_____)	

The Plaintiff, Richard J. Bobka (Bobka) filed a habeas petition under 28 U.S.C. § 2241. (ECF No. 1). This matter is currently before the Court on Plaintiff’s Motion for Reconsideration. (ECF No. 18).

In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2)(c), (D.S.C.), the case was referred to the Magistrate Judge. On April 27, 2018, the Magistrate Judge issued a Report and Recommendation (“Report”), recommending that Bobka’s Petition should be dismissed without prejudice. (ECF No. 7). Plaintiff filed an objection to the Report on May 11, 2018. (ECF No. 10). On, May 31, 2018, this Court issued an order, adopting the Magistrate’s recommendation. (ECF No. 15). On June 15, 2018, Plaintiff filed his Motion for Consideration. (ECF No. 18).

The Magistrate Judge’s recommendation fairly and accurately summarized the facts and applied the correct principles of law. The Plaintiff’s objections to the


Magistrate's Report were unfounded. See (ECF No. 10). This Court addressed each of his objections and adopted the Magistrate's Report. See (ECF No. 15).

The Fourth Circuit Court of Appeals has held that motions to reconsider should only be granted under a "very narrow set of circumstances: '(1) to accommodate an intervening change in controlling law; (2) to account for new evidence not available at trial; or (3) to correct a clear error of law or prevent manifest injustice.'" *Hill v. Braxton*, 277 F.3d 701, 708 (4th Cir. 2002) (quoting *Collision v. Int'l Chem. Workers Union*, 34 F.3d 233, 236 (4th Cir. 1994)). "Moreover, [motions to reconsider] may not be used to make arguments that could have been made before the judgment was entered." *Id.*

Here, Plaintiff's Motion for Reconsideration does not meet the standard because Plaintiff has not identified a change in the law, new evidence, a clear error of law, or a risk of manifest injustice. Moreover, any of the assertions Plaintiff made in his Motion to Reconsider could have been made in his objections to the Magistrate's Report. Therefore, this Court denies Plaintiff's Motion (ECF No. 18).

IT IS SO ORDERED.

June 18, 2018
Columbia, South Carolina


Joseph F. Anderson, Jr.
United States District Judge