

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

Bradley Shane Sheppard,)
Petitioner,) Civil Action No. 1:10-3220-RMG
vs.)
Warden of FCI-Estill)
Respondent.)

)

ORDER

This matter comes before the Court on Petitioner's motion for reconsideration pursuant to Rule 59(e) of the Federal Rules of Civil Procedure. (Dkt. No. 47). By Order dated April 5, 2011, this Court denied Petitioner's pro se petition for a writ of habeas corpus brought pursuant to 28 U.S.C. § 2241. (Dkt. No. 24). Petitioner subsequently appealed this Order to the Fourth Circuit United States Court of Appeals, which affirmed this Court's Order by per curiam opinion on August 2, 2011. (Dkt. No. 42). The Fourth Circuit denied Petitioner's petition for rehearing en banc on October 4, 2011 and the judgment and mandate were entered on October 12, 2011. (Dkt. Nos. 44, 45). The Petitioner's motion for reconsideration pursuant to Rule 59(e) was filed on February 16, 2012.

FRCP 59(e) provides a "motion to alter or amend a judgment must be filed no later than 28 days after the entry of judgment." The Court will, however, treat this motion as a motion for relief from judgment pursuant to FRCP 60, which must be filed within a "reasonable time". *See*,

Hatfield v. Board of County Commissioners for Converse County, 52 F.3d 858, 861(10th Cir.1995). After reviewing Petitioner's motion for reconsideration, the Court finds that the motion fails to satisfy any of the conditions for the granting of relief from a final judgment set forth in FRCP 60(b)(1)-(6). Therefore, the Court denies Petitioner's motion for reconsideration. (Dkt. No. 47).

AND IT IS SO ORDERED.



Richard Mark Gergel
United States District Judge

Charleston, South Carolina
March 19, 2012