

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

METAPHYZIC EL-ELECTROMAGNETIC
SUPREME-EL,

Petitioner,

v.

Civil Action No. 3:14CV302

DIRECTOR, DEPT. OF CORR.,

Respondent.

MEMORANDUM OPINION

By Memorandum Opinion and Order entered on June 30, 2014, the Court dismissed Metaphyzic El-ectromagnetic Supreme-El's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 for failing to complete and return an in forma pauperis affidavit or to pay the \$5.00 filing fee.

On July 11, 2014, Supreme-El filed a Motion for Reconsideration pursuant to Federal Rule of Civil Procedure 59(e). ("Rule 59(e) Motion," ECF No. 9.) The United States Court of Appeals for the Fourth Circuit recognizes three grounds for relief under Rule 59(e): "(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." Hutchinson v. Staton, 994 F.2d 1076, 1081 (4th Cir. 1993) (citing Weyerhaeuser Corp. v. Koppers Co., 771 F. Supp. 1406, 1419 (D. Md. 1991); Atkins v. Marathon

LeTourneau Co., 130 F.R.D. 625, 626 (S.D. Miss. 1990)). Supreme-El provides no argument in support of his Rule 59(e) Motion but states that he "has now withdrew funds from his prison account to satisfy the filing fee." (Rule 59(e) Mot. 2 (capitalization corrected).) Supreme-El also attempts to add two new claims to his dismissed petition. Supreme-El fails to demonstrate a clear error of law or any other basis for granting relief under Rule 59(e). Accordingly, the Rule 59(e) Motion (ECF No. 9) will be denied. The Clerk will be directed to return \$5.00 to Supreme-El.

An appeal may not be taken from the final order in a § 2254 proceeding unless a judge issues a certificate of appealability ("COA"). 28 U.S.C. § 2253(c)(1)(A). A COA will not issue unless a prisoner makes "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). This requirement is satisfied only when "reasonable jurists could debate whether (or, for that matter, agree that) the petition should have been resolved in a different manner or that the issues presented were 'adequate to deserve encouragement to proceed further.'" Slack v. McDaniel, 529 U.S. 473, 484 (2000) (quoting Barefoot v. Estelle, 463 U.S. 880, 893 & n.4 (1983)). Supreme-El fails to satisfy this standard. Accordingly, a certificate of appealability will be denied.

