HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PETER JAMES CARR,

Petitioner,

v.

RONALD HAYNES,

Respondent.

Case No. C17-1326 RAJ

ORDER

This matter comes before the Court on Petitioner's Motions to "Object to the Order Dismissing Federal Habeas Action," (Dkt. ## 32, 33), and Petitioner's "Motion to Move Court to Grant the Relief of a Certificate of Appealability" (Dkt. # 34). Petitioner Peter James Carr ("Carr" or "Petitioner") initially filed his Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. Dkt. ## 1, 6, 9. The Court referred the petition to Magistrate Judge Mary Alice Theiler. After reviewing the record, the Court adopted Judge Theiler's Report and Recommendation denying Petitioner Carr's § 2254 petition, dismissed it with prejudice, and declined to issue a certificate of appealability. Dkt. # 30.

Although Petitioner does not provide the relevant legal authority, the Court construes Petitioner's Motions, collectively, as a motion for reconsideration. Motions for reconsideration are disfavored and will be granted only upon a "showing of manifest error in the prior ruling" or "new facts or legal authority which could not have been brought to [the court's] attention earlier with reasonable diligence." Local R. W.D.

Wash. 7(h)(1). Petitioner's new objections, which contain no new evidence, largely reflect the same insufficiency of evidence already considered and rejected. Dkt. ## 32, 33. Petitioner relies most strongly on his "alibi" defense that was already fully briefed in earlier filings, and addressed by Judge Theiler in her Report and Recommendation. Dkt. # 32 at 13, 25; Dkt. # 33 at 6-7. As Judge Theiler stated, the jury already heard this evidence and was entitled to believe M.L.'s testimony identifying Petitioner as the man who touched her. Dkt. # 28 at 9. The Court sees no reason to revisit Judge Theiler's well-reasoned findings.

Petitioner also moves for a certificate of appealability, which the Court already determined it would not issue. Dkt. ## 30, 34. The Court see no reason to change its decision. A district court may issue a certificate of appealability only if the "applicant has made a substantial showing of the denial of a constitutional right" and specified the issues on appeal. 28 U.S.C. § 2253(c)(2)-(3). A petitioner satisfies this standard "by demonstrating that jurists of reason could disagree with the district court's resolution of his constitutional claims or that jurists could conclude the issues presented are adequate to deserve encouragement to proceed further." *Miller-El v. Cockrell*, 537 U.S. 322, 327 (2003). Here, the dismissal of Petitioner's habeas claim does not warrant a certificate of appealability. As reflected in opinions by this Court, Judge Theiler, and the Washington State Court of Appeals, Petitioner Carr has not identified any issue in his petition upon which reasonable jurists could differ.

Accordingly, the Court **DENIES** Petitioner's Motions (Dkt. ## 32, 33), and **DECLINES** to issue a certificate of appealability (Dkt. # 34).

DATED this 31st day of August, 2018.

The Honorable Richard A. Jones
United States District Judge