

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

REGINALD BELL,

Petitioner,

v.

JEFFERY UTTECHT,

Respondent.

CASE NO. C12-5215 RBL

ORDER DENYING MOTION FOR
RECONSIDERATION AND
DENYING CERTIFICATE OF
APPEALABILITY

THIS MATTER is before the Court on Petitioner's Motion for Reconsideration [Dkt. #31] and his Request for a Certificate of Appealability. Both are related to this Court's Order [Dkt. #29] Adopting Magistrate Judge Strombom's Report and Recommendation [Dkt. #25] Denying Claims 1, 3 and 5 of Petitioner's habeus Petition [Dkt. #8], and re-referring Claims 2 and 4 to the Magistrate Judge for further briefing on the merits. The Court also adopted Judge Strombom's recommendation that Petitioner be DENIED a Certificate of Appealability on the denied claims.

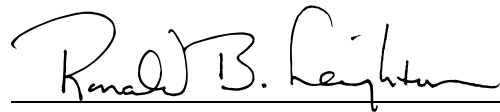
Petitioner appealed this Court's Order, but now seeks Reconsideration of it. Under Fed. R. Civ. P. 62.1 and Fed. R. App. P. 4(a)(4), certain post judgment Motions may be ruled upon by the District court without a remand from the appellate Court. These include Motions for a

1 New Trial under Rule 59 and Motions for Relief from Judgment under Rule 60(b). If and to the
2 extent Petitioner's Motion for reconsideration under Local Rule 7(h) can be construed as a
3 Motion under one of these Rules, the Motion is DENIED, as it fails to demonstrate a manifest
4 error or a showing of new facts or authority.

5 For the reasons already stated in the Report and Recommendation, the Petitioner's
6 request for a Certificate of Appeal for the denied claims now on appeal is DENIED.

7 IT IS SO ORDERED.

8 Dated this 1st day of November, 2012.

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11 Ronald B. Leighton
12 United States District Judge
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