

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 DARNELL O MCGARY,

11 Petitioner,

12 v.

13 MARK STRONG,

14 Respondent.

CASE NO. C14-5829 BHS-KLS

ORDER DENYING MOTION FOR
RECONSIDERATION

15 Before the Court is Petitioner's Motion for Reconsideration of this Court's denial
16 of his request for discovery. Dkt. 15. In the Court's November 12, 2014 Order, it denied
17 Petitioner's motion for discovery because the Court's review of Petitioner's habeas
18 petition is limited to the record that was before the state court and because Mr. McGary
19 had not shown that discovery was otherwise appropriate. Dkt. 12.
20

21 Mr. McGary contends that this Court improperly entered its Order before he
22 submitted his reply and asks that the Court review his reply and reconsider its Order.
23 Dkt. 15. The Court has thoroughly reviewed Mr. McGary's reply and finds that his
24 motion for reconsideration should be denied.

1 Under Local Rule CR7(h), motions for reconsideration are disfavored and will be
2 denied absent a showing of manifest error or a showing of new facts or legal authority
3 which could not have been presented earlier with reasonable diligence. The standard has
4 not been met in this case. As previously noted by the Court, Mr. McGary fails to provide
5 specific allegations showing reason to believe that, if the facts are fully developed, he
6 may be able to demonstrate that he is entitled to relief. *See e.g., Bracy v. Gramley*, 520
7 U.S. 899, 908-09 (1997) (*quoting Harris v. Nelson*, 394 U.S. 286, 300 (1969)). Mr.
8 McGary argues that unidentified discovery will limit “the extraneous review of over a
9 thousand pages of proceedings” but also contends that “if the court relies solely on the
10 record, it will find that” he is entitled to habeas relief.
11

12 Accordingly, it is **ORDERED**:

13 (1) Petitioner’s motion for reconsideration (Dkt. 15) is **DENIED**.

14 (2) The Clerk shall send copies of this Order to Petitioner and counsel for
15 Respondent.

16 DATED this 24th day of November, 2014.

17 
18 Karen L. Strombom
19 United States Magistrate Judge
20
21
22
23
24