

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DONALD DALE PENCE,

Petitioner,

v.

CAROL HOLINKA, Warden,

Respondent.

ORDER

09-cv-489-slc¹

Petitioner's second motion for relief from judgment pursuant to Fed. R. Civ. P. 60(b) (and third motion for reconsideration), dkt. # 14, is DENIED. Plaintiff's discovery of Strong v. Schultz, 599 F. Supp. 2d 556 (D.N.J. 2009), is not grounds for relief under Rule 60(b).

Entered this 17th day of December, 2009.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge

¹ Because this case was resolved before the parties consented to the magistrate judge's jurisdiction, I am assuming jurisdiction over the case for the purpose of this order.