

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JEREMIAH NERO : CIVIL ACTION
 : NO. 97-2721
 v. :
 :
 UNITED STATES OF AMERICA : (CRIMINAL NO. 91-321-02)

MEMORANDUM ORDER

Presently before the court is petitioner's Motion for Reconsideration of the court's order of June 16, 1998 denying his petition to vacate, set aside or correct his sentence pursuant to 28 U.S.C. § 2255.

Petitioner was indicted with nineteen others for conspiring to distribute Colombian cocaine as part of a large-scale, multi-state, multi-million dollar drug distribution enterprise directed by petitioner's co-defendant Claude Dumas, Jr. from Los Angeles. Petitioner was convicted after a jury trial on January 27, 1992 of distributing and of conspiring to distribute and possess with intent to distribute substantial quantities of cocaine. With a total offense level of 41, petitioner faced 324 to 405 months of imprisonment.

Petitioner was sentenced on August 20, 1992 to 324 months of imprisonment, to be followed by five years of supervised release. Petitioner's conviction and sentence were affirmed on July 13, 1993.

In his motion for reconsideration, petitioner essentially rehashes the same arguments considered and rejected by the court in its memorandum order denying his § 2255 petition. See Nero v. United States, 1998 WL 314643 (E.D. Pa. June 16, 1998). Petitioner also attacks the credibility of key cooperating co-conspirators Charles Porter whose testimony petitioner says was "concocted" and Michael Patin who petitioner states testified "to save his own hide." The testimony given by these witnesses was found to be credible by the jury and the court. Petitioner has provided no basis pursuant to Fed. R. Civ. P. 60(b) on which the court conscientiously could revisit its decision. See Harsco Corp. v. Zlotnicky, 779 F.2d 906, 909 (3d Cir. 1985), cert. denied, 476 U.S. 1171 (1986); Glendon Energy Co. v. Borough of Glendon, 836 F. Supp. 1109, 1122 (E.D. Pa. 1993); Clifford v. Jacobs, 739 F. Supp. 957, 958-59 (M.D. Pa. 1990).

Petitioner asserts one new ground for relief. He contends that the government's use of witnesses to whom it promised leniency violated the federal criminal bribery statute, 18 U.S.C. § 201(c)(2). He relies on United States v. Singleton, 144 F.3d 1343 (10th Cir. 1998). Even assuming that the court may consider such a new contention on a motion for reconsideration, the short answer is that the promise or prospect of a § 5K1.1 motion in return for testimony which the government deems to be

