

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

VICTOR SINANAN	:	CIVIL ACTION
Petitioner,	:	
	:	
v.	:	
	:	
NEIL MECHLING, et al.	:	
Respondents.	:	No. 01-6120

MEMORANDUM ORDER

J. M. KELLY, J.

AUGUST 5, 2002

Presently before the Court is a Motion for Reconsideration filed by pro se Petitioner, Victor Sinanan. Petitioner seeks reconsideration of this Court's June 19, 2002 Memorandum and Order which dismissed his Petition for Writ of Habeas Corpus. In the Petition, he claimed the following: (1) that his conviction was obtained by use of evidence gained pursuant to an unconstitutional search and seizure; and (2) that there was insufficient evidence to prove possession of marijuana. The Petition was deemed meritless since Petitioner was given more than a full and fair opportunity to litigate his Fourth Amendment claims in state court and there was more than sufficient evidence to support his state conviction.

The "purpose of a motion for reconsideration [under Local Rule of Civil Procedure 7.1(g)] is to correct manifest errors of law or fact or to present newly discovered evidence." See P. Schoenfeld Asset Management L.L.C. v. Cendant Corp., 161 F. Supp. 2d 349, 352 (D.N.J. 2001) (citing Harsco Corp. v. Zlotnicki, 779 F.2d 906, 909 (3d Cir. 1985)). Such motions will only be granted

where: (1) an intervening change in the law has occurred; (2) new evidence not previously available has emerged; or (3) the need to correct a clear error of law or prevent a manifest injustice arises. Id. (citing North River Ins. Co. v. CIGNA Reinsurance Co., 52 F.3d 1194, 1218 (3d Cir. 1995)). Because reconsideration of a judgment after its entry is an extraordinary remedy, motions for reconsideration are to be granted "sparingly," Id. at 353 (citations omitted).

The Petitioner seeks to have this Court review his supplemental objections, which were not considered at the time this Court rendered its June 19, 2002 Memorandum and Order. On May 30, 2002, this Court gave Petitioner leave to submit additional documents to support his objections to the Magistrate Judge's Report and Recommendation, to be filed on or before June 11, 2002. The Court, however, did not receive the supplemental objections until June 17, 2002. As a result, the Court deemed the supplemental objections untimely. In the current motion, Petitioner claims the prisoner mailbox rule articulated in Houston v. Lack, 487 U.S. 266 (1988) should be applied in his case because he handed over the supplemental filing to the state prison officials for mailing on June 11, 2002, the date his supplemental filing was due.

Without deciding whether Houston v. Lack extends to all motions and pleadings filed by a pro se prisoner, the Court finds

that Petitioner has advanced no new claims in his supplemental objections. In his supplemental objections, Petitioner either rehashes irrelevant factual discrepancies which this Court has already noted or continues to complain about alleged Fourth Amendment violations, which are barred because there was a full and fair opportunity for review in state court. As such, the Petitioner's Motion for Reconsideration (Doc. No. 17) is **DENIED**. This case is **CLOSED**.

BY THE COURT:

JAMES MCGIRR KELLY, J.