

MAY 20 2005

For The Northern Mariana Islands
By _____
(Deputy Clerk)

- For Publication on Court's Web Site -

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS

UNITED STATES OF AMERICA,)

Plaintiff)

v.)

KE, Shi Cheng, also known as
"KC,")

Defendant)

Criminal No. 03-00042
Civil Case No. 05-0012 ¹

ORDER DENYING MOTION
TO RECONSIDER
(28 U.S.C. § 2255)

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For statistical purposes the Clerk of Court is required to open a civil case docket for motions brought pursuant to 28 U.S.C. § 2255. *See* Volume 11 (Statistics Manual), Chapter V, Part 3.c. However, Rule 3(b) of the "Rules Governing Section 2255 Proceedings for the United States District Courts," specifies that "the clerk must file the motion and enter it on the criminal docket of the case in which the challenged judgment was entered." In hopes of creating consistency, the court will deem the underlying criminal case to be the primary file and use the caption from that case, but also direct that dispositive orders it issues in regard to this matter will also be filed in the civil file, No. 05-0012.

1 Defendant-movant Ke has filed a *pro se* motion seeking reconsideration of the
2 court's April 25, 2005, order denying his petition to vacate, set aside, or correct his
3 sentence, pursuant to 28 U.S.C. § 2255.
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5 The court considered and addressed all of Ke's grounds for vacating, setting
6 aside, or correcting his sentence in its previous order. Title 28 U.S.C. § 2255 makes
7 no provision for a motion to reconsider. Also, before filing a second or successive
8 motion under § 2255, Ke must first move the U.S. Court of Appeals for the Ninth
9 Circuit for permission to so file. 28 U.S.C. § 2244.
10

11 FOR THESE REASONS, Ke's motion to reconsider is denied. In order to
12 protect Ke's rights, the court will *not* deem the instant motion to reconsider a second
13 or successive motion under 28 U.S.C. § 2255.
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15 IT IS SO ORDERED.
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17 DATED this 20th day of May, 2005.
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22 ALEX R. MUNSON
23 Judge
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