

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

RAHEEM LOVE a/k/a)	
Raymond Demby,)	
)	
Petitioner,)	
)	Civil Action No. 01-435-GMS
v.)	
)	
RAPHAEL WILLIAMS, Warden,)	
and ATTORNEY GENERAL OF)	
THE STATE OF DELAWARE,)	
)	
Respondents.)	
)	

MEMORANDUM AND ORDER

On May 22, 2002, the court dismissed Raheem Love’s petition for a writ of habeas corpus. The court concluded that Love’s petition was time barred by the one-year period of limitation prescribed in 28 U.S.C. § 2244(d)(1). The court has now received a letter from Love expressing his disagreement with the decision, which the court treats as a timely motion for reconsideration pursuant to Rule 59(e) of the Federal Rules of Civil Procedure. (D.I. 30.) For the following reasons, the court will deny Love’s motion for reconsideration.

I. STANDARD OF REVIEW

The purpose of a motion for reconsideration is to correct manifest errors of law or fact or to present newly discovered evidence. *Harsco Corp. v. Zlotnicki*, 779 F.2d 906, 909 (3d Cir. 1985). Accordingly, a court may grant a motion for reconsideration if the moving party shows one of the following: (1) an intervening change in the controlling law; (2) the availability of new

evidence that was not available when the court issued its order; or (3) the need to correct a clear error of law or fact or to prevent manifest injustice. *Max's Seafood Café v. Quinteros*, 176 F.3d 669, 677 (3d Cir. 1999)(citing *North River Ins. Co. v. CIGNA Reinsurance Co.*, 52 F.3d 1194, 1218 (3d Cir. 1995)). A motion for reconsideration is not appropriate to reargue issues that the court has already considered and decided. *Brambles USA, Inc. v. Blocker*, 735 F. Supp. 1239, 1240 (D. Del. 1990).

II. DISCUSSION

In his motion, Love does not identify any intervening change in law, and does not offer any new evidence that was previously unavailable. Apparently, he believes that the court committed a clear error of law in dismissing his petition. He fails to explain, however, why he believes that the court's decision is incorrect.

Instead, Love takes exception to the court's decision not to appoint counsel to represent him in this matter. Love is advised that the Sixth Amendment right to counsel does not extend to habeas proceedings. *See Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987); *United States v. Roberson*, 194 F.3d 408, 415 n.5 (3d Cir. 1999). Rather, in habeas proceedings, the court may appoint counsel "if the interest of justice so requires." Rule 8(c) of the Rules Governing Section 2254 Cases in the United States District Courts. Upon considering Love's petition, the court concluded that it must be dismissed as time barred. The interest of justice thus did not require appointment of counsel.

Love also inquires respecting a 1999 motion for enlargement of time. The court's records reflect that the court received such a motion from Love dated June 22, 1999. On July 6,

1999, the clerk of the court returned Love's motion to him, with a letter explaining that he had no case pending in this court. Love's 1999 motion simply has no bearing on the dismissal of his habeas petition, which was filed nearly two years later on May 25, 2001.

In short, the court can discern no reason warranting reconsideration of its decision to dismiss Love's habeas petition as untimely. Accordingly, his motion for reconsideration will be denied.

III. CONCLUSION

For the foregoing reasons, IT IS HEREBY ORDERED THAT Raheem Love's letter dated June 2, 2002, (D.I. 30) is treated as a motion for reconsideration pursuant to Rule 59(e) of the Federal Rules of Civil Procedure, and so treated, is DENIED.

IT IS SO ORDERED.

Dated: June 10, 2002

Gregory M. Sleet
UNITED STATES DISTRICT JUDGE