

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

GARY DAMATO

v.

WARDEN MURPHY

PRISONER

Case No. 3:08cv855 (SRU) (WIG)

RULING AND ORDER

On August 12, 2009, the court, Underhill, U.S.D.J., denied the petition for writ of habeas corpus and ordered the case closed. Judgment entered in favor of the respondent on August 14, 2009. On March 8, 2010, the Court of Appeals filed its Mandate dismissing the appeal because the petitioner failed to make a substantial showing that he had been denied a constitutional right. On May 26, 2010, the court, Underhill, U.S.D.J., denied the petitioner's motions, *inter alia*, for reconsideration, release and relief from judgment. On June 2, 2010, the court, Garfinkel, U.S.M.J, denied six motions to expand or supplement the motion for reconsideration with repeated arguments and additional case citations.

The petitioner now has filed another motion to add a Supreme Court citation to his motion. The petitioner's motion [**Doc. #148**] is **DENIED** for the reasons stated in the prior ruling.

The petitioner also has filed a motion for reconsideration

of the court's ruling denying his motion for reconsideration. He seeks relief from judgment pursuant to Fed. R. Civ. P. 60(b)(1) because the court's ruling was a mistake. This argument merely repeats arguments that the court considered and rejected in ruling on the motion for reconsideration. A motion for reconsideration may not be used to relitigate an issue the court already has decided. See SPGGC, Inc. v. Blumenthal, 408 F. Supp. 2d 87, 91 (D. Conn. 2006), aff'd in part and vacated in part on other grounds, 505 F.3d 183 (2d Cir. 2007). Accordingly, the petitioner's motion for reconsideration [**Doc. #149**] is **DENIED**.

In conclusion, the petitioner's motions [**Docs. ## 148, 149**] are **DENIED**. The petitioner is advised that refiling arguments considered and rejected by this court and the Court of Appeals will not alter the fact that his petition has been denied and this case is closed.

**SO ORDERED** at Bridgeport, Connecticut this 14th day of June 2010.

/s/ William I. Garfinkel  
WILLIAM I. GARFINKEL  
UNITED STATES MAGISTRATE JUDGE