

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

MILOS LEUBNER,

Plaintiff,

No. 2:08-cv-0853 GEB JFM (PS)

vs.

COUNTY OF SAN JOAQUIN, et al.,

Defendants.

ORDER

_____ /

Plaintiff, proceeding pro se, filed the above-entitled action. The matter was referred to a United States Magistrate Judge pursuant to Local Rule 72-302(c)(21).

On February 17, 2012, the magistrate judge filed findings and recommendations herein which were served on plaintiff and which contained notice to plaintiff that any objections to the findings and recommendations were to be filed within fourteen days. Plaintiff has filed objections to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-304, this court has conducted a de novo review of this case. Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and by proper analysis.

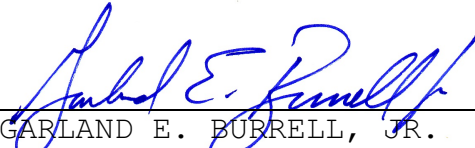
////

1 In addition to filing objections to the magistrate judge's recommendation that
2 plaintiff's motion for default judgment be denied, plaintiff has also filed objections to the
3 magistrate judge's ruling on plaintiff's discovery-related motions. The court construes these
4 objections as a request for reconsideration. Federal Rule of Civil Procedure 72(a) directs district
5 judges to consider timely objections to a nondispositive pretrial order issued by a magistrate
6 judge and to "modify or set aside any part of the order that is clearly erroneous or is contrary to
7 law." See also Local Rule 303(f); 28 U.S.C. § 636(b)(1)(A). "A finding is 'clearly erroneous'
8 when although there is evidence to support it, the reviewing [body] on the entire evidence is left
9 with the definite and firm conviction that a mistake has been committed." Concrete Pipe and
10 Prods. v. Constr.Laborers Pension Trust, 508 U.S. 602, 622 (1993) (quoting United States v.
11 United States Gypsum Co., 333 U.S. 364, 395 (1948)). "[R]eview under the 'clearly erroneous'
12 standard is significantly deferential" Id. at 623. Upon review of the magistrate judge's
13 order, the undersigned does not find clear error.

14 Accordingly, IT IS HEREBY ORDERED that:

- 15 1. The findings and recommendations filed February 17, 2012 are adopted in full;
- 16 2. Plaintiff's January 20, 2012 motion for default judgment is denied; and
- 17 3. Plaintiff's motion for reconsideration is denied.

18 Dated: March 14, 2012

19
20 
21 _____
GARLAND E. BURRELL, JR.
United States District Judge