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

CARL L. JIMENA,	)	No. CV-F-07-367 OWW/SKO
)	
	)	MEMORANDUM DECISION AND
	)	ORDER RE PLAINTIFF'S
Plaintiff,	)	"OBJECTION TO DOC. 289
	)	ENTITLED 'MEMORANDUM
vs.	)	DECISION AND ORDER DENYING
	)	PLAINTIFF'S OBJECTIONS TO
	)	DOC. 273 WITH REQUEST TO <i>SUA</i>
UBS AG BANK, et al.,	)	<i>SPONTE</i> MODIFY OR RECONSIDER
	)	IT" (Doc. 294)
)	
Defendants.)	
)	
)	
)	

By Memorandum Decision and Order filed on October 12, 2010, (Doc. 273), Plaintiff's request for reconsideration by the District Court of the Magistrate Judge's Order Denying Plaintiff's Motion to Compel, (Doc. 270), was denied.

On October 21, 2010, Plaintiff filed "Objections to Doc. 273, With Request to *Sua Sponte* Modify It or Reconsider It." (Doc. 282). By Memorandum Decision and Order filed on November 3, 2010, Plaintiff's motion, deemed by the Court to be a motion for reconsideration of the Order denying Plaintiff's request for

1 reconsideration of the Order denying Plaintiff's motion to
2 compel, was denied. (Doc. 289).

3 On November 29, 2010, Plaintiff filed "Objection to Doc.
4 289," which pleading the Court deems to be a motion for
5 reconsideration of the denial of Plaintiff's motion for
6 reconsideration of the denial of his Request for Reconsideration
7 by the District Court of the Magistrate Judge's ruling denying
8 Plaintiff's motion to compel.

9 Plaintiff objects to the ruling that UBS AG file a motion to
10 be relieved from deemed admissions, contending that the Court
11 cited no authority allowing the Court to require such a motion
12 and arguing that any such motion by UBS AG is barred by estoppel,
13 waiver and laches. Plaintiff's motion for reconsideration on
14 this ground is DENIED. The Court has inherent authority to
15 control cases pending before it and has the discretion to require
16 motions to be filed. Further, UBS AG has filed a motion to be
17 relieved from deemed admissions; Plaintiff's arguments that such
18 a motion should be denied can and should be raised in his
19 opposition to the motion, not as grounds for reconsideration when
20 the merits of such a motion were not at issue.

21 Plaintiff objects to rulings concerning the timeliness of
22 UBS AG's responses to Plaintiff's discovery requests other than
23 the requests for admission. Reconsideration of these rulings is
24 denied. The issue has been addressed repeatedly; Plaintiff's
25 disagreement with the Court's rulings is a matter for appeal. In
26 any event, as the Court has ruled, even if UBS AG's discovery

1 responses were untimely, the Court, in the exercise of its
2 discretion, will not impose any sanctions.

3 Finally, Plaintiff again seeks reconsideration of the
4 Court's ruling that Rule 9(b) has no application to the Answer
5 filed by UBS AG. The Court has twice ruled and will not
6 reconsider again. Plaintiff's disagreement with the Court's
7 rulings is a matter for appeal, not a matter for reconsideration.

8 For the reasons stated:

9 1. Plaintiff's "Objection to Doc. 289" is deemed to be a
10 motion for reconsideration and, as deemed, is DENIED;

11 2. No further requests for reconsideration or objections to
12 the rulings in connection with Plaintiff's motion to compel, Doc.
13 258), or the Court's rulings in Docs. 273, 289, or this
14 Memorandum Decision and Order will be entertained by the Court.

15 IT IS SO ORDERED.

16 Dated: December 3, 2010

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE