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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JAMES S. POBURSKY, et al.,)	1:07cv0611 AWI DLB
)	
)	ORDER DENYING PLAINTIFFS'
Plaintiffs,)	MOTION FOR RECONSIDERATION
)	(Document 196)
v.)	
)	
MADERA COUNTY, et al.,)	
)	
Defendants.)	

Plaintiffs James S. and Wanda Pobursky (“Plaintiffs”) are proceeding pro se in this action.

On June 1, 2010, the Court lifted the stay of discovery because the premise upon which the stay was issued, Mr. Pobursky’s incarceration, had ended. By order dated June 16, 2010, the Court set the depositions of Plaintiffs and their children for July 6 and 7, 2010. The June 16, 2010, order supercedes the prior orders relating to the depositions.

On June 21, 2010, Plaintiffs requested that the Court reconsider its order lifting the stay. Although Mr. Pobursky is no longer incarcerated, he contends that there are “still major repercussions as to the loss of over four (4) months of financial support for his large family.” He also contends that “family time is needed emotionally, as well as for urgent family issues.”

Pursuant to Local Rule 303, the standard of review in a motion for reconsideration of a ruling by a Magistrate Judge is the “clearly erroneous or contrary to law” standard set forth in 28 U.S.C. § 636(b)(1)(A).

1 In the present case, the Court finds that Plaintiffs have not demonstrated that the
2 Magistrate Judge's decision to lift the stay was either clearly erroneous or contrary to law. While
3 Plaintiffs may continue to feel the impact of Mr. Pobursky's incarceration, the basis upon which
4 the stay was imposed no longer exists.

5 Accordingly, Plaintiffs' motion for reconsideration is DENIED.¹

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7 IT IS SO ORDERED.

8 Dated: July 11, 2010

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CHIEF UNITED STATES DISTRICT JUDGE

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¹ The depositions were set for July 6 and July 7, 2010, before this Court. Defendants have, however, agreed to allow Plaintiffs to reschedule the depositions for a later date.