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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

MONTE HANEY,	CASE NO. 1:07-cv-01104-OWW-GBC (PC)
Plaintiff,	ORDER DENYING MOTION FOR
v.	RECONSIDERATION OF ORDER
	REASSIGNING NEW JUDGE
DARREL G. ADAMS, et al.,	(Docs. 41, 42)
Defendants.	

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On September 9, 2010, the Court ordered the case to be reassigned to Magistrate Judge Cohn. On September 21, 2010, Plaintiff Monte Haney (“Plaintiff”), a state prisoner proceeding pro se, filed a motion for the Court to reconsider its order reassigning the case to Magistrate Judge Cohn. In his motion for reconsideration, Plaintiff expressed concern that the transfer of the case to a new magistrate judge would cause changes in the previous discovery order deadlines and would cause such a delay in discovery to create an infringement upon Plaintiff’s rights to discovery.

Pursuant to Federal Rule of Civil Procedure 60(b), the Court may relieve a party from a final order for the specific reasons enumerated in the Rule or for any other reason that justifies relief. Relief under this latter provision requires the moving party to “demonstrate both injury and circumstances beyond his control that prevented him from proceeding with the action in a proper fashion.” *Harvest v. Castro*, 531 F.3d 737, 749 (9th Cir. 2008) (internal quotations and citation omitted). The “Rule is to be used sparingly as an equitable remedy to prevent manifest injustice and is to be utilized only where extraordinary circumstances prevented a party from taking timely action to prevent or correct an erroneous judgment.” *Id.* (internal quotations and citation omitted).

1 Plaintiff has not shown any grounds entitling him to relief from the order reassigning the case  
2 to a different judge and the motion is THEREFORE DENIED.

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4 IT IS SO ORDERED.

5 **Dated: January 18, 2011**

/s/ Oliver W. Wanger  
UNITED STATES DISTRICT JUDGE

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