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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

LON CARTER,

Plaintiff,

v.

NICK DAWSON, et al.,

Defendants.

CASE NO. 1:07-cv-01325-OWW-SMS

ORDER ADDRESSING PLAINTIFF’S
OBJECTION AND DENYING IT TO THE
EXTENT IT IS CONSTRUED AS MOTION FOR
RECONSIDERATION

(ECF No. 108)

ORDER GRANTING DEFENDANTS’ MOTION
FOR MODIFICATION OF THE SCHEDULING
ORDER

(ECF No. 106)

THIRTY-DAY DEADLINE

_____ /

Plaintiff Lon Carter is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. On May 10, 2011, an order issued denying Plaintiff’s motions to compel. On March 27, 2011, Defendants filed a motion for modification of the scheduling order. (ECF No. 106.) Plaintiff filed objections to the order denying his motions to compel on June 7, 2011. (ECF No. 108.) An objection to the Court’s final orders is not a recognized response.

To the extent that the opposition is construed to be a motion for reconsideration, it is without merit. Federal Rule of Civil Procedure 60(b) governs the reconsideration of final orders of the district court. The Rule permits a district court to relieve a party from a final order or judgment on grounds of: “(1) mistake, inadvertence, surprise, or excusable neglect; (3) fraud . . . of an adverse party, . . . or (6) any other reason justifying relief from the operation of the judgment.” Fed. R. Civ.

1 P. 60(b). Plaintiff's opposition is devoid of any ground entitling Plaintiff to reconsideration of the
2 Court's order and is denied.

3 Defendant seeks leave to file a dispositive motion on the grounds that, due to the number and
4 complexity of Plaintiff's motions to compel, it was determined that they should be decided prior to
5 the filing of a dispositive motion. "A scheduling order shall not be modified except upon a showing
6 of good cause" and by leave of court. Fed. R. Civ. P. 16(b).

7 Here, Plaintiff filed multiple motions to compel, which were not decided until May 10, 2011.
8 Defendants filed the motion to modify the scheduling order on May 27, 2011. The Court finds good
9 cause to grant Defendants' motion.

10 Accordingly, it is HEREBY ORDERED that:

- 11 1. Plaintiff's objections to the order denying the motions to compel, filed June 7, 2011,
12 is HEREBY DENIED to the extent that it is construed as a motion for
13 reconsideration;
- 14 2. Defendants' motion for modification of the scheduling order is GRANTED; and
- 15 3. Defendants are granted thirty days from the date of service of this order to file
16 dispositive motions.

17
18 IT IS SO ORDERED.

19 **Dated: June 13, 2011**

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE