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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

GARRISON S. JOHNSON,

CASE NO. 1:08-cv-00640-LJO-DLB PC

Plaintiff,

ORDER DENYING MOTION FOR ENTRY OF JUDGMENT

v.

(Doc. 33)

JOHN DOVEY, et al.,

Defendants.

_____ /

Plaintiff Garrison Johnson (“plaintiff”) is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. On May 4, 2009, the Magistrate Judge issued a Findings and Recommendations, recommending *inter alia*, that Plaintiff’s claims against defendants Dovey, Sullivan, F. Gonzalez, Carrasco, Zanchi, Magallanes, and Cannon be dismissed for Plaintiff’s failure to state a claim upon which relief may be granted. (Doc. 20.) On July 9, 2009, the District Judge issued an order adopting the Findings and Recommendations in full. (Doc. 27.) Plaintiff now moves for entry of judgment pursuant to Rule 54(b). (Doc. 33.)

There exists “a long-settled and prudential policy against the scattershot disposition of litigation,” and “entry of judgment under [Rule 54(b)] should not be indulged as a matter of routine or as a magnanimous accommodation to lawyers or litigants.” Spiegel v. Trustees of Tufts College, 843 F.2d 38, 42 (9th Cir. 1988) (citations omitted). “Judgments under Rule 54(b) must be reserved for the unusual case in which the costs and risks of multiplying the number of proceedings and of overcrowding the appellate docket are outbalanced by the pressing needs of the litigants for an early

1 and separate judgment as to some claims or parties.” Morrison-Knudsen Co., Inc. v. Archer, 655
2 F.2d 962, 965 (9th Cir. 1981).

3 Besides stating that he wishes to appeal the order immediately, Plaintiff makes no showing
4 as to why judgment should be granted pursuant to Rule 54(b) and upon review of the record, the
5 Court finds no grounds upon which to grant the motion. Accordingly, the motion for entry of final
6 judgment pursuant to Rule 54(b) is DENIED.

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8 IT IS SO ORDERED.

9 **Dated:** August 4, 2009

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE

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